

Appendix J: Public Notices





Appendix J:

Public Notices



Public Notices

- U.S. Army Corps of Engineers, Omaha District, Public Notice of Environmental Impact Statement (EIS) September 15, 2003
- U.S. Army Corps of Engineers, Omaha District, Public Notice for Notice of Availability of EIS and Section 404 Permit Application October 30, 2009
- U.S. Army Corps of Engineers, Omaha District, Public Notice of Additional Public Hearing for Draft EIS and Section 404 Permit Application November 25, 2009
- U.S. Army Corps of Engineers, Omaha District, Public Notice of 32-Day Extension to Comment Period for the Draft EIS and Section 404 Permit Application – December 11, 2009
- U.S. Army Corps of Engineers, Omaha District, Public Notice of Additional Public Hearing for Draft EIS and Section 404 Permit Application December 17, 2009
- U.S. Army Corps of Engineers, Omaha District, Public Notice of 16-Day Extension to Comment Period for the Draft EIS and Section 404 Permit Application – February 5, 2010

Public Service Announcements

- Public Service Announcement to Broadcast Cancellation of U.S. Army Corps of Engineers Moffat Collection System Project Public Hearing in Keystone, Colorado on December 8, 2009
- Public Service Announcement to Broadcast the Extension of the Public Comment Period and Re-scheduled U.S. Army Corps of Engineers Moffat Collection System Project Public Hearing in Breckenridge, Colorado on January 7, 2010

Federal Register Notices

- Notice of Intent, Prepare an EIS for Denver Water's Moffat Collection System Project, *Federal Register*, Vol. 68, No. 180, Page 54432 September 17, 2003
- Notice of Intent, Address and Date Correction, *Federal Register*, Vol. 68, No. 186, Page 55376 September 25, 2003
- Notice of Availability, Draft EIS for the Moffat Collection System Project, Federal Register, Vol. 74, No. 209, Pages 56186 and 56187 – October 30, 2009
- Notice of Availability, Draft EIS for the Moffat Collection System Project *Federal Register*, Vol. 74, No. 209, Pages 56194 and 56195 October 30, 2009
- Notice of Intent, Extension of the Public Comment Period for the Draft EIS, *Federal Register*, Vol. 74, No. 242, Page 67180 December 18, 2009

Appendix J Public Notices

 Notice of Intent, Extension of the Public Comment Period for the Draft EIS, Federal Register, Vol. 75, No. 34, Page 7570 – February 22, 2010

Legal Notices

- Legal Notice, *The Boulder Daily Camera* September 17, 2003
- Legal Notice, *The Winter Park Manifest* September 17, 2003
- Legal Notice, *The Arvada Sentinel* September 18, 2003
- Legal Notice, The Denver Post and Rocky Mountain News September 18, 2003
- Legal Notice, Middle Park Times October 29, 2009
- Legal Notice, *The Boulder Daily Camera* October 30, 2009
- Legal Notice, *The Denver Post* October 30, 2009
- Legal Notice, Sky-Hi Daily News October 30, 2009
- Legal Notice, *Highlander Technology* November 2009
- Legal Notice, Mountain Messenger November 2009
- Legal Notice, Middle Park Times November 29, 2009
- Legal Notice, *The Boulder Daily Camera* November 30, 2009
- Legal Notice, *The Denver Post* November 30, 2009
- Legal Notice, Sky-Hi Daily News November 30, 2009
- Legal Notice, Summit Daily News December 1, 2009
- Legal Notice, Summit Daily News January 2, 2010

Public Hearing Transcripts

- Public Hearing Transcript, Boulder Country Club, Boulder, Colorado December 1, 2009
- Public Hearing Transcript, The Inn at Silver Creek, Granby, Colorado December 2, 2009
- Public Hearing Transcript, Doubletree Denver, Denver, Colorado December 3, 2009
- Public Hearing Transcript, Beaver Run Conference Center, Breckenridge, Colorado January 7, 2010

Miscellaneous Public Outreach

- Moffat Collection System Project, Draft Environmental Impact Statement Public Comments, Comment Form
- Postcard for Moffat Collection System Project Draft EIS and Public Hearings
- Postcard for Moffat Collection System Project Extension of the Public Comment Period on the Draft EIS
- Postcard for Moffat Collection System Project Rescheduled Summit County Public Hearing on the Draft EIS and Extension of the Public Comment Period
- Newsletter for the Moffat Collection System Project Draft EIS

Appendix J Public Notices	
	This page intentionally left blank

Public Notices	

ø.



PUBLIC NOTICE

Corps ID No: 200280762

Project: Moffat Collection System EIS **Applicant:** City and County of Denver

Issue Date: September 15, 2003

PUBLIC NOTICE ENVIRONMENTAL IMPACT STATEMENT U.S. ARMY CORPS OF ENGINEERS

The U.S. Army Corps of Engineers (COE) is preparing an Environmental Impact Statement (EIS) to analyze the direct, indirect and cumulative effects of a water supply project (Moffat Collection System Project) by the City and County of Denver, acting by and through its Board of Water Commissioners (Denver Water). Denver Water is responsible for providing reliable, high quality drinking water to over 1.2 million customers. Through Denver Water's Integrated Resources Plan (IRP), developed in 1997 and updated in 2002, and recent events, Denver Water identified four needs in the Moffat Collection System that have to be solved. The Moffat Collection System Project will provide a solution to the following needs:

The Reliability Need: Existing water demands served by Denver Water's Moffat Collection System exceed available supplies from the Moffat Collection System during a drought, causing a water supply reliability problem. In a severe drought, even in a single severe dry year, the Moffat Treatment Plant—one of three treatment plants in Denver's system—is at a significant level of risk of running out of water.

The Vulnerability Need: Denver Water's collection system is vulnerable to manmade and natural disasters because 90 percent of available reservoir storage and 80 percent of available water supplies rely on the unimpeded operation of Strontia Springs Reservoir and other components of Denver's Water's South System. The South System is comprised of the Roberts Tunnel Collection System (including Dillon Reservoir) and the South Platte Collection System.

The Flexibility Need: Denver Water's treated water transmission, distribution, and water collection systems are subject to failures and outages caused by routine maintenance, pipe failures, treatment plant problems, and a host of other unpredictable occurrences that are inherent in operating and maintaining a large municipal water supply system. These stresses to Denver Water's ability to meet its customers' water supply demands require a level of flexibility within system operations that is not presently available.

The Firm Yield Need: Denver Water's near-term water resource strategy and water service obligations that have occurred since the IRP was developed, has resulted in a need for 18,000 acre-feet of new near-term water supplies. This need was identified after first assuming successful implementation of a conservation program, construction of a non-potable recycling project, and implementation of a system refinement program.

Denver Water has not selected a specific project but will be exploring alternatives through the National Environmental Policy Act (NEPA) process to result in a preferred alternative. Construction of the Moffat Collection System Project is expected to result in temporary and permanent impacts to jurisdictional waters of the United States, thereby requiring a Clean Water Act Section 404 permit. Denver Water has identified four preliminary alternatives that would address these needs:

- 1) Enlarge Gross Reservoir in Boulder County;
- 2) Build a new reservoir at Leyden Gulch in Jefferson County;
- 3) Build a potable water recycling project; or
- 4) A combination of these alternatives.

Additional alternatives will be considered during the NEPA process.

The COE is utilizing a 3rd-party contractor, URS Corporation, to prepare the EIS. The EIS will be prepared according to the COE's procedures for implementing NEPA and consistent with the COE's policy to facilitate public understanding and review of agency proposals. A scoping document has been prepared, intended to familiarize other agencies, the public, and interested organizations, with the proposal through a description of the problems that the Moffat Collection System Project must address, a preliminary list of project alternatives, and various environmental/resource issues that will be addressed in the EIS. Denver Water has also a Moffat Collection System Project Information Document to further describe Denver Water's System and the need for a project. Copies of the scoping document will be available at public scoping meetings or can be requested by mail. Scoping meetings will be held at three locations:

- 1. October 7, 2003, 7:00 to 9:30 p.m. at the Fairview High School Cafeteria, 1550 Greenbriar Boulevard, Boulder, Colorado.
- 2. October 8, 2003, 7:00 to 9:30 p.m. at the Highlands Masonic Temple, 3550 Federal Boulevard, Denver, Colorado.
- 3. October 9, 2003, 7:00 to 9:30 p.m. at The Inn at SilverCreek Convention Center, West Peak Room, 62927 US Highway 40, Silver Creek, Colorado.

These scoping meetings will be held to describe the information in the scoping document, the NEPA process, and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments will be accepted at these meetings and until November 7, 2003. Questions regarding the proposed project, scoping meetings, and the EIS process, as well as submission of written comments, can be addressed to either:

Mr. Chandler Peter Project Manager U.S. Army Corps of Engineers 2232 Dell Range Blvd., Suite 210 Cheyenne, Wyoming, 82009 Fax (307) 772-2920 Ms. Paula Daukas Project Manager URS Corporation 8181 East Tufts Avenue Denver, Colorado, 80237 Fax (303) 694-3946

The COE has invited the U.S. Environmental Protection Agency, Federal Energy Regulatory Commission, and the U.S. Forest Service to be cooperating agencies in the formulation of the EIS.

or

Public Notices issued by the Omaha District for the state of Colorado can also be obtained by visiting the Colorado Regulatory Office web site at:

http://www.nwo.usace.army.mil/html/od-tl/pn/tlpublicnotices.html



US Army Corps of Engineers Omaha District

PUBLIC NOTICE

Application No: NWO-2002-80762-DEN

Project: Moffat Collection System Project

Applicant: City and County of Denver, Board of Water Commissioners
Waterways: South Boulder Creek, Upper Colorado River and Tributaries

Issue Date: October 30, 2009

Expiration Date: January 28, 2010

REPLY TO:

Scott Franklin
Denver Regulatory Office
9307 South Wadsworth Blvd.
Littleton, CO 80128-6901
FAX (303) 979-0602

90-DAY NOTICE

https://www.nwo.usace.army.mil/html/od-tl/eis/moffat-eis.html

PUBLIC NOTICE

FOR NOTICE OF AVAILABILITY OF ENVIRONMENTAL IMPACT STATEMENT AND SECTION 404 PERMIT APPLICATION SUBMITTED TO U.S. ARMY CORPS OF ENGINEERS

Notice

The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is announcing the availability of the Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project and is evaluating a Department of the Army permit application from the City and County of Denver Board of Water Commissioners (Denver Water), 1600 West 12th Avenue, Denver, CO 80204. Permits are issued under Section 404 of the Clean Water Act, which regulates the placement of dredge or fill material in the nation's waters.

Draft EIS

The Omaha District prepared the Draft EIS to analyze the direct, indirect, and cumulative effects of the proposal. The purpose of the Draft EIS is to provide decision-makers and the public with information pertaining to the Proposed Action and alternatives, and to disclose environmental impacts and identify mitigation measures to reduce impacts. The Draft EIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the U.S. Army Corps of Engineers' (Corps) regulations for NEPA implementation (33 Code of Federal Regulations [CFR] parts 230 and 325, Appendices B and C). The Corps, Omaha District, Regulatory Branch is the lead federal agency responsible for the Draft EIS and information contained in it will serve as the basis for a decision regarding issuance of a Section 404 permit. It also provides information for federal, state, and local agencies having jurisdictional responsibility for affected resources. The U.S. Environmental Protection Agency Region 8 and Federal Energy Regulatory Commission participated as cooperating agencies, and Grand County participated as a consulting agency in the formulation of

the Draft EIS.

Copies of the Draft EIS are available for review at the following locations:

Grand County

Fraser Valley Library, 421 Norgren Road, Fraser, CO 80442 Granby Library, 55 Zero St., Granby, CO 80446 Kremmling Library, 300 S. 8th Street, Kremmling, CO 80459-1240

Kremming Library, 300 S. 8th Street, Kremming, CO 80439-12

Adams County

Thornton Branch Library, 8992 Washington Street, Thornton, CO 80229

Denver County

Central Library, 10 W. Fourteenth Ave. Pkwy., Denver, CO 80204

Boulder County

Main Library, 1001 Arapahoe Avenue, Boulder, CO 80302

Jefferson County

Arvada Library, 7525 W. 57th Ave., Arvada, CO 80002 Golden Library, 1019 10th Street, Golden, CO 80401

Summit County

Summit County Library South Branch, 504 Airport Road, Breckenridge, CO 80424 Summit County Library North Branch, 651 Center Circle, Silverthorne, CO 80498

US Army Corps of Engineers

Denver Regulatory Office, 9307 S. Wadsworth Blvd., Littleton, CO 80128

Denver Water

Main Office, 1600 W. 12th Ave., Denver, CO 80204

Electronic copies of the Draft EIS may be obtained from the Denver Regulatory Office or its website at https://www.nwo.usace.army.mil/html/od-tl/eis/moffat-eis.html.

Public Hearings

Oral and/or written comments may also be presented at any or all of the public hearings to be held at the following locations:

- Tuesday, December 1, 2009, 6pm at the Boulder Country Club, 7350 Clubhouse Road, Boulder,
 CO
- Wednesday, December 2, 2009, 6pm at the Inn at SilverCreek, 62927 US Highway 40, Granby, Colorado
- Thursday, December 3, 2009, 6pm at Doubletree Hotel, 3203 Quebec Street, Denver, CO

Location maps for each public hearing location are included at the end of this Public Notice.

An open house will be held at each public hearing location at 4pm. This is to allow the public an opportunity to review information associated with the Draft EIS as well as ask questions of resource specialists concerning the document. The open houses and public hearings will include a brief formal presentation of the Moffat Collection System Project. Individuals intending to provide oral comments must fill out a registration card at the door of the hearing rooms. Speakers will be called to a podium to provide their comments. Each speaker will be given a period of 3 minutes to present their comments on the Proposed Action and the Draft EIS as well as identify issues and concerns. If comments cannot be completed in the 3-minute period, speakers will be encouraged to provide them in writing. All written

comments on the Draft EIS and replies to the public notice for the permit application should be sent to:

Mr. Scott Franklin US Army Corps of Engineers Denver Regulatory Office 9307 South Wadsworth Blvd. Littleton, CO 80128-6901 Fax: (303) 979-0602

Email: moffat.eis@usace.army.mil

Proposed Project and Description of Work

The purpose of the Moffat Collection System Project is to develop 18,000 acre-feet (AF)/yr of new annual firm yield to the Moffat water treatment plant (WTP) and raw water customers upstream of the Moffat WTP pursuant to Denver Water's commitment to its customers.

In order to provide the 18,000 AF of new yield, Denver Water is proposing to excavate and place fill material into South Boulder Creek to enlarge its existing 41,811 AF Gross Reservoir by 72,000 AF to a total storage capacity of 113,811 AF. The enlargement would be accomplished by raising the existing concrete gravity arch dam by 125 ft, from 340 to 465 ft. The surface area of the reservoir would be expanded from approximately 418 acres to 818 acres. Using existing collection infrastructure, average to wet-year Fraser River, Williams Fork River, and South Boulder Creek water would be diverted and delivered via the Moffat Tunnel and South Boulder Creek to the existing Gross Reservoir. Existing facilities would be used to deliver water from the expanded Gross Reservoir to the Moffat WTP, including the South Boulder Diversion Canal, Ralston Reservoir, and Conduits 16 and 22. Please refer to Chapter 2 of the Draft EIS for more details.

The existing Gross Dam, constructed in 1955, is a 340-ft-high, concrete gravity arch dam with a crest length of 1,050 ft including a 160-ft-long spillway section at elevation 7,282 ft mean sea level (msl) with the 2-ft-high flashboards. The low-level outlet works consists of an intake trash-rack structure and an 8-ft-diameter concrete-lined tunnel leading to an outlet works building located on the east bank of South Boulder Creek, about 250 ft downstream from the toe of the dam. The alignment of the existing dam in a narrow gorge was sited to facilitate a raised dam to an ultimate height of 465 ft. Dam construction would occur as the reservoir is lowered during normal operation. The reservoir would not be lowered to accommodate construction activities.

This dam enlargement would raise the dam crest to the ultimate height of 465 ft. The dam crest would be approximately 1,799 ft long and 25 ft wide. The upstream slope of the raised dam portion would be a vertical face.

In order to satisfy current dam safety criteria, the dam raise would necessitate an increased spillway capacity, improved dam safety condition, and would require the construction of a service spillway. The spillway could be located in the dam crest, a topographic saddle south of the dam or along the right abutment of the dam or some combination. The exact configuration of the spillway(s) will be developed during detailed design in consultation with the State Engineer's Office. For planning purposes, the auxiliary spillway is a concrete weir structure constructed in the saddle approximately 1 mile south of the Gross Dam.

The current general operating plan for Gross Reservoir is to store and regulate water imported through the Moffat Tunnel and native flow from South Boulder Creek for water supply use by the

Denver Water service area. The proposed expansion of Gross Reservoir would affect operations, diversion, and streamflow regime throughout Denver Water's North and South collection systems, and require Denver Water to amend its FERC hydropower license for Gross Reservoir.

Location

Gross Reservoir, the site of the proposed project, is located approximately 35 miles northwest of Denver and 6 miles southwest of the City of Boulder, in Section 21, Township 1 South, Range 71 West in Boulder County, Colorado.

Project Purpose and Need

Overall Project Purpose: The purpose of the Moffat Collection System Project is to develop 18,000 AF/yr of new annual firm yield to the Moffat WTP and raw water customers upstream of the Moffat WTP pursuant to Denver Water's commitment to its customers.

Impacts and Mitigation

Direct impacts to South Boulder Creek, Gross Reservoir and its local tributaries from the proposed project are as follows:

Permanent wetland impacts: 1.95 acres
 Temporary wetland impacts: 0.12 acres

• Permanent impacts to drainages: 8,352 linear feet

Temporary wetland impacts: 453 linear feet

All direct permanent and temporary impacts to waters of the US will be mitigated at a ratio of no less than 1:1. Mitigation for impacts are geographically split into West Slope activities which occur primarily in the Grand County area, and East Slope activities which occur primarily in the Boulder County area. West Slope mitigation includes participation in an Upper Colorado River endangered fish recovery program, Fraser River and Colorado River temperature monitoring and establishing a Colorado River Cutthroat Trout fishery in a suitable location in Grand County. East Slope mitigation includes creation and restoration of wetland and riparian Resources at Gross Reservoir, addition of an environmental pool in Gross Reservoir to store water for enhancement flows on South Boulder Creek, improvement of North Fork South Platte River aquatic habitat, participation in the Platte River Recovery Implementation Program, and addition and restoration of riparian resources and recreation facilities at Gross Reservoir. The Proposed Mitigation Plan is shown in Appendix M of the Draft EIS.

All information contained in the Moffat Collection System Project Draft EIS is hereby incorporated as additional and relevant information pertaining to this Public Notice for Section 404 Permit Application NWO-2002-80762-DEN.

The Colorado Department of Public Health and Environment, WQCD-GWPS-B2, 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, will review the Proposed Project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the state's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. For further information, please contact the Colorado Water Quality Control Division at (303) 692-3500.

A Biological Opinion (BO) was issued by the US Fish & Wildlife Service to the Corps on July 31, 2009 for Denver Water's preferred enlargement of Gross Reservoir, which evaluates and manages any potential impacts to federal Threatened or Endangered Species under the Endangered Species Act. The BO is shown in Appendix G-3 of the Draft EIS.

In compliance with the National Historic Preservation Act of 1966, as amended, the Corps has prepared a draft Programmatic Agreement (PA) with the Colorado State Historic Preservation Office, Advisory Council on Historic Preservation, US Forest Service, Federal Energy Regulatory Commission, Native American Tribes and other agencies that will address cultural resources management related to construction and operation of the enlargement and hydroelectric operations of Gross Reservoir. The Draft PA is shown in Appendix L of the Draft EIS.

The FERC will review a license amendment application submitted by Denver Water to the FERC following the Corps' permit decision. Denver Water will be seeking FERC's approval for the proposed modifications to the hydropower project at Gross Reservoir.

The Corps' decision to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the Proposed Action on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that may reasonably be expected to accrue from the proposal must be balanced against the reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, wetlands, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the public interest evaluation will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

The Corps is soliciting written comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this Proposed Action. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above.

Comments received after the close of business on the expiration date of this public notice will not be considered.

List of Maps and Figures

- 1. Project Location Map
- 2. Gross Dam Plan and Profile
- 3. Gross Reservoir Components
- 4. Gross Reservoir Wetlands and Riparian Areas
- 5. Gross Reservoir Ownership Map

Public Hearing Location Maps

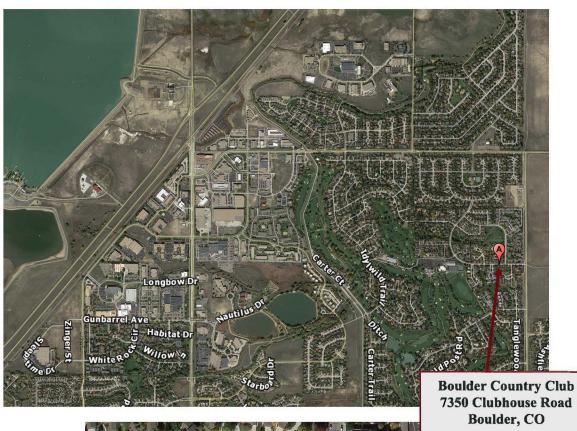
Tuesday, December 1, 2009, 6pm Boulder Country Club, 7350 Clubhouse Road, Boulder, CO

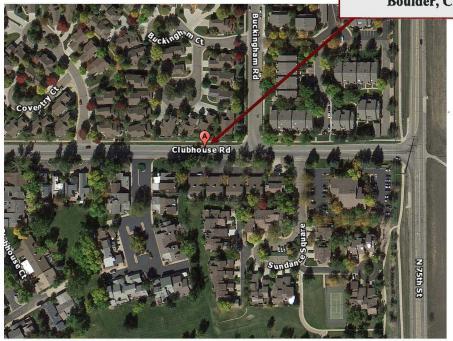
Wednesday, December 2, 2009, 6pm Inn at SilverCreek, 62927 US Highway 40, Granby, Colorado

Thursday, December 3, 2009, 6pm Doubletree Hotel, 3203 Quebec Street, Denver, CO



Public Hearing, Tuesday, December 1, 2009, 6pm Boulder Country Club, 7350 Clubhouse Road, Boulder, CO





Wednesday, December 2, 2009, 6pm Inn at SilverCreek, 62927 US Highway 40, Granby, Colorado





Thursday, December 3, 2009, 6pm Doubletree Hotel, 3203 Quebec Street, Denver, CO





US Army Corps of Engineers **Omaha District**

PUBLIC NOTICE

Application No: NWO-2002-80762-DEN

Project:

Moffat Collection System Project

Applicant: City and County of Denver, Board of Water Commissioners South Boulder Creek, Upper Colorado River and Tributaries

Waterways:

Issue Date: November 25, 2009

REPLY TO:

Scott Franklin Denver Regulatory Office 9307 South Wadsworth Blvd. Littleton, CO 80128-6901 FAX (303) 979-0602

https://www.nwo.usace.army.mil/html/od-tl/eis/moffat-eis.html

PUBLIC NOTICE OF ADDITIONAL PUBLIC HEARING FOR DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SECTION 404 PERMIT APPLICATION SUBMITTED TO US ARMY CORPS OF ENGINEERS

Notice

The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is announcing an additional fourth public hearing to be held in conjunction with the release of the Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project. The Corps is evaluating a Department of the Army permit application from the City and County of Denver Board of Water Commissioners (Denver Water), 1600 West 12th Avenue, Denver, CO 80204. Permits are issued under Section 404 of the Clean Water Act, which regulates the placement of dredge or fill material in the nation's waters.

Public Hearing

In addition to the public hearings originally announced in the Notice of Availability and Public Notice issued for the Moffat Draft EIS, an additional public hearing has been scheduled in Summit County, Colorado as follows:

Time and Date: 6:00 pm, Tuesday, December 8, 2009

Location: Keystone Conference Center, 633 Tennis Club Road, Keystone, CO, 80435

An open house will also be held at the Keystone Conference Center at 4-6pm. This is to allow the public an opportunity to review information associated with the Draft EIS as well as ask questions of resource specialists concerning the document. Individuals intending to provide oral comments must fill out a registration card found at the entrance to the hearing room. Speakers will be called to a podium to provide their comments. Each speaker will be given a period of 3 minutes to present their comments on the Proposed Action and the Draft EIS as well as identify issues and concerns. If comments cannot be completed in the 3-minute period, speakers will be encouraged to provide them in writing. All written comments on the Draft EIS and replies to the public notice for the permit application should be sent to:

Mr. Scott Franklin US Army Corps of Engineers Denver Regulatory Office 9307 South Wadsworth Blvd. Littleton, CO 80128-6901

Fax: (303) 979-0602

Email: moffat.eis@usace.army.mil

Additional information and electronic copies of the Draft EIS may be obtained from the Denver Regulatory Office or its website at https://www.nwo.usace.army.mil/html/od-tl/eis/moffat-eis.html.

Maps to the location of the Summit County Public Hearing are attached.

Time and Date: 6:00 pm, Tuesday, December 8, 2009 Location: Keystone Conference Center, 633 Tennis Club Road, Keystone, CO, 80435





US Army Corps of Engineers Omaha District

PUBLIC NOTICE

Application No: NWO-2002-80762-DEN

Project: Moffat Collection System Project

Applicant: City and County of Denver, Board of Water Commissioners
Waterways: South Boulder Creek, Upper Colorado River and Tributaries

Issue Date: December 11, 2009

Expiration Date: March 1, 2010

REPLY TO:

Scott Franklin, Moffat EIS Project Mgr US Army Corps of Engineers 9307 South Wadsworth Blvd Littleton, CO 80128

Fax: 303-979-0602

E-mail: moffat.eis@usace.army.mil

PUBLIC NOTICE

NOTICE OF 32-DAY EXTENSION TO COMMENT PERIOD FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SECTION 404 PERMIT APPLICATION MOFFAT COLLECTION SYSTEM PROJECT

Notice

The District Engineer, US Army Engineer District (Corps), Omaha, Nebraska is announcing a 32-day extension of the comment period to the Section 404 permit application and Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project (Moffat Project) proposed by the City and County of Denver Board of Water Commissioners (Denver Water), 1600 West 12th Avenue, Denver, CO 80204.

Comment Period Extension

A Notice of Availability of a Draft EIS and Public Notice announcing the receipt and evaluation of a Section 404 permit application from the Denver Water for Moffat Project were issued on October 30, 2009. Those notices included an initial 90-day comment period, double the minimum required comment period under the National Environmental Policy Act. Prior to, and during, the current 90-day comment period and public hearings, the Corps received numerous requests to extend the comment period on the Draft EIS and permit application. Due to the amount of information contained in the Draft EIS and its supporting documents, the need to afford the public ample opportunity to provide substantive comments and to facilitate a timely and efficient review process, Omaha District Commander Colonel Robert J. Ruch determined that a 32-day extension is warranted and reasonable. The new expiration date for the comment period on the Draft EIS and Section 404 Permit application is March 1, 2010.

All written comments on the Draft EIS and replies to the public notice for the permit application should be sent to:

Scott Franklin, Moffat EIS Project Mgr US Army Corps of Engineers 9307 South Wadsworth Blvd Littleton, CO 80128

Fax: 303-979-0602

E-mail: moffat.eis@usace.army.mil

For additional information, please visit the Denver Regulatory Office website at https://www.nwo.usace.army.mil/html/od-tl/eis/moffat-eis.html



US Army Corps of Engineers **Omaha District**

PUBLIC NOTICE

Application No: NWO-2002-80762-DEN

Project: Moffat Collection System Project

Applicant: City and County of Denver, Board of Water Commissioners South Boulder Creek, Upper Colorado River and Tributaries Waterways:

Issue Date: December 17, 2009

REPLY TO:

Scott Franklin Denver Regulatory Office 9307 South Wadsworth Blvd. Littleton, CO 80128-6901 FAX (303) 979-0602

https://www.nwo.usace.army.mil/html/od-tl/eis/moffat-eis.html

PUBLIC NOTICE OF ADDITIONAL PUBLIC HEARING FOR DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SECTION 404 PERMIT APPLICATION SUBMITTED TO US ARMY CORPS OF ENGINEERS

Notice

The District Engineer, US Army Engineer District, Omaha, Nebraska is announcing an additional fourth public hearing to be held in conjunction with the release of the Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project. The Corps is evaluating a Department of the Army permit application from the City and County of Denver Board of Water Commissioners (Denver Water), 1600 West 12th Avenue, Denver, CO 80204. Permits are issued under Section 404 of the Clean Water Act, which regulates the placement of dredge or fill material in the nation's waters.

Public Hearing

In addition to the public hearings originally announced in the Notice of Availability and Public Notice issued for the Moffat Draft EIS, an additional public hearing has been scheduled in Summit County, Colorado as follows:

Time and Date: 6:00 pm, Thursday, January 7, 2010

Location: Beaver Run Conference Center, Peak 17 Conference Room

620 Village Road, Breckenridge, CO 80424

(Located at the base of Peak 9)

An open house will also be held in the Peak 17 Conference Room at 4-6pm. This is to allow the public an opportunity to review information associated with the Draft EIS as well as ask questions of resource

specialists concerning the document. Individuals intending to provide oral comments must fill out a registration card found at the entrance to the hearing room. Speakers will be called to a podium to provide their comments. Each speaker will be given a period of 3 minutes to present their comments on the Proposed Action and the Draft EIS as well as identify issues and concerns. If comments cannot be completed in the 3-minute period, speakers will be encouraged to provide them in writing. All written comments on the Draft EIS and replies to the public notice for the permit application should be received by March 1, 2010 sent to:

Mr. Scott Franklin US Army Corps of Engineers Denver Regulatory Office 9307 South Wadsworth Blvd. Littleton, CO 80128-6901

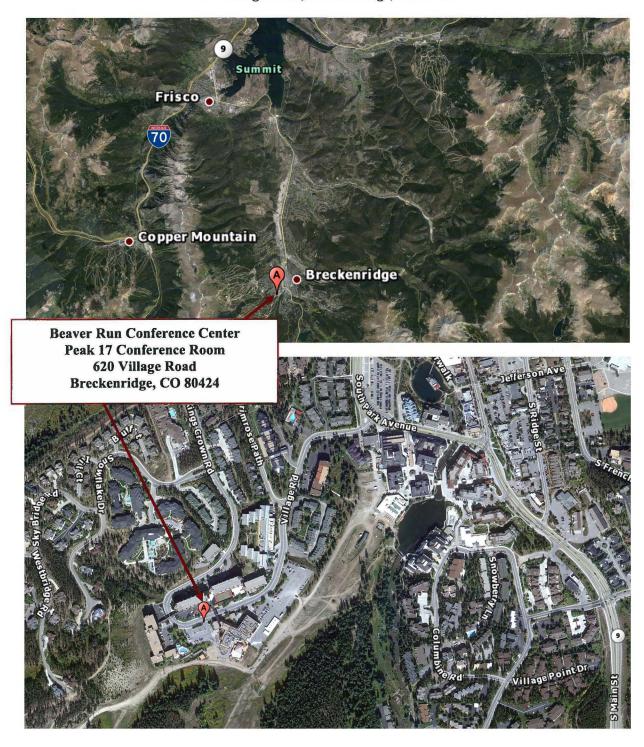
Fax: (303) 979-0602

Email: moffat.eis@usace.army.mil

Additional information and electronic copies of the Draft EIS may be obtained from the Denver Regulatory Office or its website at https://www.nwo.usace.army.mil/html/od-tl/eis/moffat-eis.html.

Maps to Beaver Run Conference Center for the Breckenridge Public Hearing are attached.

Time and Date: 6:00 pm, Thursday, January 7, 2010 Location: Beaver Run Conference Center, Peak 17 Conference Room 620 Village Road, Breckenridge, CO 80424





US Army Corps of Engineers Omaha District

PUBLIC NOTICE

Application No: NWO-2002-80762-DEN

Project: Moffat Collection System Project

Applicant: City and County of Denver, Board of Water Commissioners
Waterways: South Boulder Creek, Upper Colorado River and Tributaries

Issue Date: February 5, 2010

Expiration Date: March 17, 2010

REPLY TO:

Scott Franklin, Moffat EIS Project Mgr US Army Corps of Engineers 9307 South Wadsworth Blvd Littleton, CO 80128

Fax: 303-979-0602

E-mail: moffat.eis@usace.army.mil

PUBLIC NOTICE

NOTICE OF 16-DAY EXTENSION TO COMMENT PERIOD FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SECTION 404 PERMIT APPLICATION MOFFAT COLLECTION SYSTEM PROJECT

Notice

The District Engineer, US Army Engineer District (Corps), Omaha, Nebraska is announcing a 16-day extension of the comment period to the Section 404 permit application and Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project (Moffat Project) proposed by the City and County of Denver Board of Water Commissioners (Denver Water), 1600 West 12th Avenue, Denver, CO 80204.

Comment Period Extensions

A Notice of Availability of a Draft EIS and Public Notice announcing the receipt and evaluation of a Section 404 permit application from Denver Water for the Moffat Project was issued on October 30, 2009, which included an initial 90-day comment period (October 30, 2009 to January 27, 2010). A second Notice of Availability announcing an extension of 32 days (January 27, 2010 to March 1, 2010) was issued on December 18, 2009.

During the current comment period, the Corps has received numerous requests to again extend the comment period on the Draft EIS and permit application. Based on the public's need to review additional documents referenced in the DEIS, the need to afford the public ample opportunity to provide substantive comments and to facilitate a timely and efficient review process, Omaha District Commander Colonel Robert J. Ruch determined that an additional 16-day extension is warranted and

reasonable. The new expiration date for the comment period on the Draft EIS and Section 404 Permit application is March 17, 2010.

Documents referenced in the DEIS can be accessed at: https://www.nwo.usace.army.mil/html/od-tl/eis/moffat-deis-tech-reports.html

All written comments on the Draft EIS and replies to the public notice for the permit application should be sent to:

Scott Franklin, Moffat EIS Project Mgr US Army Corps of Engineers 9307 South Wadsworth Blvd Littleton, CO 80128 Fax: 303-979-0602

E-mail: moffat.eis@usace.army.mil

For additional information, please visit the Denver Regulatory Office website at https://www.nwo.usace.army.mil/html/od-tl/eis/moffat-eis.html

Public Service Announcements

Public Service Announcement (PSA) to Broadcast Cancellation of U.S. Army Corps of Engineers (USACE) Moffat Collection System Project Public Hearing in Keystone, CO on December 8, 2009

Below is text for a Public Service Announcement to notify the public of the USACE Moffat Collection System Project open house and public hearing cancellation due to adverse weather conditions. The table below lists radio stations that broadcasted the PSA.

"On behalf of the U.S. Army Corps of Engineers, please be advised of the following cancellation notice.

Due to the forecasted winter weather advisory in Keystone, Summit County, CO, the Tuesday December 8 Moffat Project Summit County Open House and Public Hearing at the Keystone Conference Center is cancelled.

At this point a rescheduled Open House and Public Hearing in Summit County is anticipated sometime in January, 2010. A new date and venue will be advised as soon as possible.

Thank you for your consideration."

List of Radio Stations

Radio Station	Contact Information	Date of PSA	Time of PSA
Krystal 93 FM	Tom Fricke	12/8/09	Approx. 8:30 a.m.
	701 E Anemone Trail Ste 203		and 3:00 p.m.
	Dillon CO		,
	970-513-9393		
KSKE "Ski	Stacie Towar	12/8/09	Approx. 8:30 a.m.
Country" 104.7	130 Skihill Road Ste 240		and 3:00 p.m.
	Breckenridge CO 80424		***
	970-453-2234		
KSMT "The	Stacie Towar	12/8/09	Approx. 3:30 p.m.
Mountain"	130 Skihill Road Ste 240		
102.1	Breckenridge CO 80424	1	
	970-453-2234		

Public Service Announcement (PSA) to Broadcast the Extension of the Public Comment Period and Re-Scheduled U.S. Army Corps of Engineers (USACE) Moffat Collection System Project Public Hearing in Breckenridge, CO on January 7, 2010

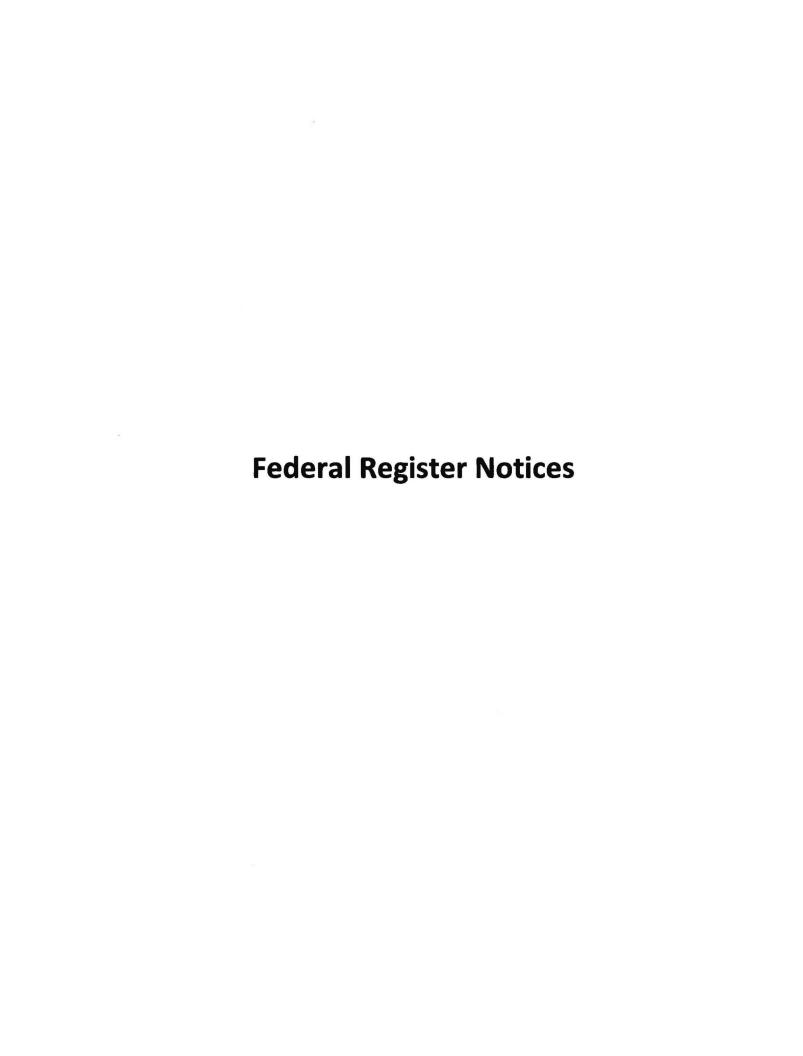
Below is text for a Public Service Announcement to notify the public of the comment period extension and re-scheduled USACE Moffat Collection System Project open house and public hearing on January 7, 2010. The table below lists radio stations that broadcasted the PSA.

"The U.S. Army Corps of Engineers (Corps) Omaha District is announcing a 32-day extension of the comment period to the Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project (Moffat Project) proposed by Denver Water. The new expiration date for the comment period on the Draft EIS is March 1, 2010.

In addition, the Corps has rescheduled the Summit County Public Open House and Hearing for Thursday, January 7, 2010. The Corps invites you to present comments on the Draft EIS at the rescheduled Public Hearing to be held at the Beaver Run Conference Center, located at 620 Village Road, Breckenridge, CO 80424 on January 7, 2010. The open house will begin at 4:00 p.m., followed by the public hearing which will begin at 6:00 p.m."

List of Radio Stations

Radio Station	Contact Information	Date of PSA	Time of PSA
Krystal 93 FM	Tom Fricke	1/6/2010	Approx. 8:30 a.m.
	701 E Anemone Trail Ste 203		and 3:00 p.m.
	Dillon CO		
	970-513-9393		
KSKE "Ski	Stacie Towar	1/6/2010	Approx. 8:30 a.m.
Country" 104.7	130 Skihill Road Ste 240		and 3:00 p.m.
	Breckenridge CO 80424		
	970-453-2234		
KSMT "The	Stacie Towar	1/6/2010	Approx. 3:30 p.m.
Mountain"	130 Skihill Road Ste 240		
102.1	Breckenridge CO 80424		
	970-453-2234		



DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

Intent To Preapre an Environmental Impact Statement for Denver Water's Moffat Collection System Project

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (COE) is preparing an **Environmental Impact Statement (EIS)** to analyze the direct, indirect and cumulative effects of a water supply project (Moffat Collection System Project) by the City and County of Denver, acting by and through its Board of Water Commissioners (Denver Water). The Moffat Collection System Project will provide a solution to four needs identified by Denver Water in its municipal water supply system: (1) A reliability problem associated with the Moffat Collection System (the norther portion of Denver Water's system); (2) a system-wide vulnerability problem; (3) a lack of operational flexibility in the entire system; and (4) an additional firm yield of 18,000 acre-feet to address nearterm water supply demands. Denver Water has not selected a project but will be exploring alternatives through the National Environmental Policy Act (NEPA) process to result in a preferred alternative. Construction of the Moffat Collection System Project is expected to result in temporary and permanent impacts to jurisdictional waters of the United States, thereby requiring a Clean Water Act section 404 permit.

The COE has prepared a scoping document to familiarize other agencies, the public and interested organizations withe the preliminary project alternatives and potential environmental issues that may be involved. The scoping document includes a description of the problems that the Moffat Collection System Project must address, a preliminary list of project alternatives, and various environmental/resource issues that will be addressed in the EIS. Copies of the scoping document will be available at the public scoping meetings or can be requested by mail. The EIS will be prepared according to the COE's parocedures for implementing the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4332(2)(c), and consistent with the COE's policy to facilitate public understanding and review of agency proposals.

DATES: Scoping meetings will be held at three locations:

three locations:
1. October 7, 2003, 7 to 9:30 p.m. at the Fairview High School Cafeteria, (address), Boulder, CO.

2. October 8, 2003, 7 to 9:30 p.m. at the Highlands Masonic Temple, 3550 Federal Boulevard, Denver, CO.

3. October 9, 2003, 7 to 9:30 p.m. at the Silver Creek Lodge, (address), Silver Creek, CO.

FOR FURTHER INFORMATION CONTACT:

Questions regarding the proposed action and EIS should be addressed to Chandler Peter, Project Manager, U.S. Army Corps of Engineers, 2232 Dell Range Blvd., Suite 210, Cheyenne, WY 82009 or at (307) 772–2300.

SUPPLEMENTARY INFORMATION: Denver Water is responsible for providing reliable, high quality drinking water to over 1.2 million customers. Through Denver Water's Integrated Resources Plan (IRP), developed in 1997 and updated in 2002, and recent events, they identified four needs in the Moffat Collection System that have to be solved. These needs are: (1) Moffat Collection System reliability, (2) System vulnerability, (3) Lack of operational flexibility in the system, and (4) Providing additional firm yield of 18,000 acre-feet.

The Reliability Need: Existing water demands served by Denver Water's Moffat Collection System exceed available supplies during a drought, causing a water supply reliability problem. In a severe drought, even in a single severe dry year, the Moffat Treatment Plant—one of three treatment plants in Denver's system—is at a significant level of risk of running out of water.

The Vulnerability Need: Denver Water's collection system is vulnerable to manmade and natural disasters because 90 percent of available reservoir storage and 80 percent of available water supplies rely on the unimpeded operation of Strontia Springs Reservoir and other components of Denver's Water's South System.

The Flexibility Need: Denver Water's treated water transmission, distribution, and water collection systems are subject to failures and outages caused by routine maintenance, pipe failures, treatment plant problems, and a host of other unpredictable occurrences that are inherent in operating and maintaining a large municipal water supply system. These stresses to Denver Water's ability to meet its customers' water supply demands require a level of flexibility within system operations that is not presently available.

The Firm Yield Need: Denver Water's near-term water resource strategy and

water service obligations that have occurred since the IRP was developed, has resulted in a need for 18,000 acrefeet of new near-term water supplies. This need was identified after first assuming successful implementation of a conservation program construction of a non-potable recycling project, and implementation of a system refinement program.

program.

Denver Water has identified four preliminary alternatives that would address these needs: (1) Enlarge Gross Reservoir; (2) Build a new reservoir at Leyden Gulch; (3) Build a potable water recycling project; or (4) A combination of these alternatives. Additional alternatives will be considered during the NEPA process.

Scoping meetings will be held at three locations (see DATES) to describe the project needs, preliminary alternatives, the NEPA compliance process and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments will also be requested.

also be requested.

The COE has invited the U.S.
Environmental Protection Agency,
Federal Energy Regulatory Commission,
and the Forest Service to be cooperating
agencies in the formulation of the EIS.

Chandler J. Peter,

Project Manager, Regulatory Branch.
[FR Doc. 03–23733 Filed 9–16–03; 8:45 am]
BILLING CODE 3710–62–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education. SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 17, 2003.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address Karen_F,_Lee@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested

Dated: August 1, 2003.

Jeffrey J. Clarke,
Chief Historian.

[FR Doc. 03-24254 Filed 9-24-03; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for Denver Water's Moffat Collection System Project; Correction

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.
ACTION: Notice; dates correction.

SUMMARY: The public scoping meetings scheduled for October 7, 2003 and October 9, 2003 published in the Federal Register on September 17, 2003 (68 FR 54432) did not contain the street address for the locations.

FOR FURTHER INFORMATION CONTACT: Mr. Chandler Peter, (307) 772–2300.

Correction

In the Federal Register of September 17, 2003, in FR Doc. 03–23733, on page 54432, in the second column, correct items 1 and 3 in the DATES caption to read:

- October 7, 2003, 7 to 9:30 p.m. at the Fairview High School Cafeteria, 1550 Greenbriar Boulevard, Boulder, CO.
- October 9, 2003, 7 to 9:30 p.m. at The Inn at Silver Creek Convention Center, West Peak Room, 62927 US Highway 40, Silver Creek, CO.

Luz D. Ortiz

Army Federal Register Liaison Officer.
[FR Doc. 03–24252 Filed 9–24–03; 8:45 am]
BILLING CODE 3710–62–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft
Environmental Impact Statement for
Proposed Dam Powerhouse
Rehabilitations and Possible
Operational Changes at the Wolf
Creek, Center Hill, and Dale Hollow
Dams, Kentucky and Tennessee

AGENCY: U.S. Army Corps of Engineers,

ACTION: Notice of intent.

SUMMARY: The Corps of Engineers (Corps), Nashville District, will prepare a Draft Environmental Impact Statement

(DEIS) relating to the proposed dam powerhouse rehabilitations and possible operational changes at the Wolf Creek, Center Hill, and Dale Hollow Dams in Kentucky and Tennessee. This process is necessary to provide National Environmental Policy Act (NEPA) compliance for proposed changes to the features of the project from that described in previous NEPA documents, which include the Continued Operation and Maintenance Environmental Assessments for each of the named projects and the January 1989 Wolf Creek Hydropower Draft Feasibility Study and Environmental Assessment. The Corps is studying the possible impacts of modifying existing equipment. Due to improvements in technology, rehabilitating the equipment would make it possible to produce significantly more power from the same amount of water discharged. Changes in equipment and operational procedures could also cause higher tailwater heights and velocities, but as there is a limited amount of water they would be for shorter duration. In addition, alterations to flow regimes are being considered to provide minimum flows when hydropower releases are shut off. If improvements are successful, other dams may eventually be considered for similar changes.

DATES: Written scoping comments on issues to be considered in the DEIS will be accepted by the Corps of Engineers until November 28, 2003.

ADDRESSES: Scoping comments should be mailed to Wayne Easterling, Project Planning Branch, Nashville District Corps of Engineers, P.O. Box 1070 (PM– P), Nashville, TN 7202–1070, or may be e-mailed to

wayne.s.easterling@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: For additional information concerning the proposed action and DEIS, please contact Wayne Easterling, Project Planning Branch, (615) 736–7847.

SUPPLEMENTARY INFORMATION:

1. The intent of the DEIS is to provide NEPA compliance for changes in design features and operating procedures of the Wolf Creek, Center Hill, and Dale Hollow Dams in the Cumberland River system. All three dams are of a similar age, and the turbines and related equipment are well beyond their projects life, and have similar proposed rehabilitation and operational changes. Operating and equipment changes that will be studied could potentially affect more than a combined total 60 miles of tailwaters. This would primarily be a result of efforts to raise dissolved oxygen levels to at least meet the minimum state water quality standards,

although flows and elevations could also be altered for a significant distance. Furthermore, if the proposed changes prove desirable, they could set a precedent for future rehabilitations at other hydropower facilities. The Corps, therefore, proposes to evaluate these dams programmatically.

dams programmatically.
2. The three dams considered under this Environmental Impact Statement, Wolf Creek Dam, Center Hill Dam, and Dale Hollow Dam, were authorized in the 1930s and constructed in the 1940s before there was a significant concern for environmental protection. They all predate the NEPA, the Clean Water Act, the Fish and Wildlife Coordination Act, and many other related environmental laws and regulations. Together these three Corps projects affect the temperatures, flows, and dissolved oxygen (DO) levels of up to 250 miles of the Cumberland River and its tributaries. The Corps is studying the possible impacts of modifying existing structures or operating procedures to improve DO in the tailwaters. Alterations to flow regimes are being considered to provide minimum flows below the dams when hydropower releases are shut off.

3. Key proposed project features to be evaluated in the DEIS include the following:

following:

a. Rehabilitation of turbines including
Auto Venting Turbines to improve DO
levels in the tailwaters.

 Minimum releases to ensure continuous flows between periods of generation.

c. The effects of increased tailwater flows on tailwater parks, downstream fishing areas, adjacent low lying farmlands, erosion of riverbanks, cultural archaeological and historic sites, and changes to the hydraulics and hydrology of the rivers.

d. Other alternatives studied will include: No Action; restoration to the "original" 1948 condition; refurbishing existing units; oxygenating water in the dam fore bays prior to release; and spilling water through the floodgates.

4. This notice serves to solicit scoping comments from the public; federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received during the comment period will be considered in the NEPA process. Comments are used to assess impacts on fish and wildlife, endangered species, historic properties, water quality, water supply and conservation, economics, aesthetics, wetlands, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, energy

of approximately 198,130 acres of U.S. Army-owned land and lands utilized under a special use permit with the U.S. Forest Service. In order to improve the training requirements of Fort Polk's units and the IRTC, the Army has proposed to acquire up to 100,000 acres of additional land to enhance realistic training conditions. Additional training lands will allow Soldiers of the JRTC to train on brigade-level combat maneuver training tasks while simultaneously allowing Fort Polk's resident units to conduct maneuver and live-fire training. This additional land will enhance training for Fort Polk units and units deploying to JRTC, will reduce the need for training work arounds, and will allow Soldiers to train to more realistic standards in preparation for operational deployment.

The Fort, Polk DEIS analyzes the environmental and socioeconomic impacts of several acquisition location alternatives, each of which could include the acquisition of up to 100,000 acres of land. Alternative 1 considers the acquisition of lands directly adjacent to Fort Polk's existing training areas to the south of Peason Ridge and directly north and east of the main post. As part of Alternative 1, units would continue to lease lands to convoy to Peason Ridge to access training areas. Alternative 2 considers the acquisition of the land considered in Alternative 1 and, in addition, considers the acquisition of parcels that connect Peason Ridge with Fort Polk's main post. Alternative 3 considers the acquisition of those lands considered in Alternative 2 and, in addition, considers the acquisition of lands to the east of Fort Polk in Rapides Parish. The DEIS also analyzes the No Action Alternative, which evaluates the impacts of taking no action to acquire or use additional training land around Fort Polk.

The Army has determined that significant impacts may possibly occur in regard to land use and noise for each of the three alternatives being considered. The Army projects that moderate impacts would occur to soil resources, water resources, wetlands, biological resources, cultural resources, and socioeconomics as a result of implementing the Proposed Action. The DEIS serves as documentation of the installation's compliance with Section 106 of the National Historic Preservation Act in accordance with 36 CFR 800.3-800.6. Substantive compliance with these provisions of the Advisory Council on Historic Preservation's regulations will be achieved through NEPA.

The public and any consulting parties are invited to review and comment on

the DEIS. Public meetings will be announced in local media sources.

Comments from the public and consultation with consulting parties will be considered before any decision is made regarding implementing the Proposed Action at Fort Polk.

Dated: October 23, 2009.

Addison D. Davis IV,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).

[FR Doc. E9-26088 Filed 10-29-09; 8:45 am] BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of the Draft Environmental Impact Statement for the Moffat Collection System Project, City and County of Denver, Adams County, Boulder County, Jefferson County, and Grand County, CO

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (Corps) Omaha District has prepared a Draft Environmental Impact Statement (EIS) to analyze the direct, indirect, and cumulative effects of a water supply project called the Moffat Collection System Project (Moffat Project) in the City and County of Denver, Adams County, Boulder County, Jefferson County, and Grand County, CO. The purpose of the Proposed Action is to develop 18,000 acre-feet (AF) per year of new, firm yield to the Moffat Water Treatment Plant (WTP) and raw water customers upstream of the Moffat WTP pursuant to the Board of Water Commissioners' commitment to its customers. Denver Water's need for the proposed Moffat Project is to address two major issues: (1) Timeliness: the overall near-term water supply shortage, and (2) location: the imbalance in water storage and supply between the North and South systems. The Moffat Project would result in direct impacts to jurisdictional waters of the United States (U.S.), including wetlands. The placement of fill material in these waters of the U.S. for the construction of water storage and distribution facilities associated with developing additional water supplies requires authorization from the Corps under Section 404 of the Clean Water Act. The Permittee and Applicant is the City and County of Denver, acting by

and through its Board of Water Commissioners (Denver Water).

The Draft EIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Corps regulations for NEPA implementation (33 Code of Federal Regulations [CFR] parts 230 and 325, Appendices B and C). The Corps Omaha District, Denver Regulatory Office is the lead federal agency responsible for the Draft EIS and information contained in the EIS serves as the basis for a decision regarding issuance of a Section 404 Permit. It also provides information for local and state agencies having jurisdictional responsibility for affected resources. DATES: Written comments on the Draft EIS will be accepted on or before January 28, 2010. Public open houses and hearings will be held on December 1, 2, and 3, 2009.

ADDRESSES: Send written comments regarding the Proposed Action and Draft EIS to Scott Franklin, Moffat EIS Project Manager, U.S. Army Corps of Engineers, Omaha District—Denver Regulatory Office, 9307 South Wadsworth Boulevard, Littleton, CO 80128 or via email: moffat.eis@usace.army.mil. Requests to be placed on or removed from the mailing list should also be sent to this address.

FOR FURTHER INFORMATION CONTACT: Scott Franklin, Moffat EIS Project Manager, U.S. Army Corps of Engineers at 303–979–4120; Fax 303–979–0602.

SUPPLEMENTARY INFORMATION: The purpose of the Draft EIS is to provide decision-makers and the public with information pertaining to the Proposed Action and alternatives, and to disclose environmental impacts and identify mitigation measures to reduce impacts. Denver Water proposes to enlarge its existing 41,811 AF Gross Reservoir by 72,000 AF to a total storage capacity of 113,811 AF. Gross Dam is located in Boulder County, CO, approximately 35 miles northwest of Denver and 6 miles southwest of the city of Boulder. The enlargement would be accomplished by raising the existing concrete gravity arch dam by 125 feet, from 340 to 465 feet high. The surface area of the reservoir would be expanded from approximately 418 acres to 818 acres. Using existing collection infrastructure, water from the Fraser River, Williams Fork River, and South Boulder Creek would be diverted and delivered during average to wet years via the Moffat Tunnel and South Boulder Creek to Gross Reservoir. There would be no additional diversions in dry years because Denver Water already diverts the maximum amount physically and legally available under their

existing water rights. In order to firm this water supply and provide 18,000 AF per year of new firm yield, an additional 72,000 AF of storage capacity is necessary. To meet future demands, in most years, Denver Water would continue to rely on supplies from its entire integrated collection system. In a drought or emergency, Denver Water would rely on the additional water it would have previously stored in the Moffat Collection System to provide the additional 18,000 AF of yield.

In addition to the Proposed Action (Alternative 1a)—Gross Reservoir Expansion (Additional 72,000 AF), the Draft EIS analyzes five alternatives: (1) Alternative 1c-Gross Reservoir Expansion (Additional 40,700 AF)/New Leyden Gulch Reservoir (31,300 AF), (2) Alternative 8a-Gross Reservoir Expansion (Additional 52,000 AF)/ Reusable Return Flows/Gravel Pit Storage (5,000 AF), (3) Alternative 10a-Gross Reservoir Expansion (Additional 52,000 AF)/Reusable Return Flows/ Denver Basin Aquifer Storage (20,000 AF), (4) Alternative 13a-Gross Reservoir Expansion (Additional 60,000 AF)/Transfer of Agricultural Water Rights/Gravel Pit Storage (3,625 AF), and (5) No Action Alternative, which assumes that Denver Water would not receive approval from the Corps to implement the Moffat Project. Denver Water would rely upon a combination of strategies including using a portion of its Strategic Water Reserve and imposing mandatory restrictions to reduce demand during droughts.

Copies of the Draft EIS will be available for review at:

- 1. Arvada Library, 7525 W. 57th Avenue, Arvada, CO 80002.
- 2. Boulder County Main Library, 1001 Arapahoe Avenue, Boulder, CO 80302.
- 3. Denver Central Library, 10 W. 14th Avenue Parkway, Denver, CO 80204.
- 4. Fraser Valley Library, 421 Norgren Road, Fraser, CO 80442.
- 5. Golden Library, 1019 10th Street, Golden, CO 80401.
- Granby Library, 55 Zero Street, Granby, CO 80446.
- 7. Kremmling Library, 300 S. 8th Street, Kremmling, CO 80459.
- 8. Summit County Library North Branch, 651 Center Circle, Silverthorne, CO 80498.
- 9. Summit County Library South Branch, 504 Airport Road, Breckenridge, CO 80424.
- 10. Thornton Branch Library, 8992 Washington Street, Thornton, CO 80229. 11. Denver Water, 1600 W. 12th
- Avenue, Denver, CO 80204.
- 12. U.S. Army Corps of Engineers, Denver Regulatory Office, 9307 S.

Wadsworth Boulevard, Littleton, CO 80128.

13. Electronically at https:// www.nwo.usace.army.mil/html/od-tl/ eis-info.htm.

Oral and/or written comments may also be presented at Open Houses and Public Hearings to be held at 4 p.m. (Open House) and 6 p.m. (Public Hearing) on Tuesday, December 1, 2009 at the Boulder Country Club (7350 Clubhouse Road), Boulder, CO; at 4 p.m. (Open House) and 6 p.m. (Public Hearing) on Wednesday, December 2, 2009 at The Inn at SilverCreek-Grand Ballroom (62927 US Highway 40) Granby, CO; and at 4 p.m. (Open House) and 6 p.m. (Public Hearing) on Thursday, December 3, 2009 at the Doubletree Hotel-Grand Ballroom II (3203 Quebec Street), Denver, CO.

Timothy T. Carey,

Chief, Denver Regulatory Office.
[FR Doc. E9–26164 Filed 10–29–09; 8:45 am]
BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.
SUMMARY: The Director, Information
Collection Clearance Division,
Regulatory Information Management
Services, Office of Management invites
comments on the submission for OMB
review as required by the Paperwork
Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 30, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or send e-mail to oira submission@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere

with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection. grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 27, 2009.

Angela C. Arrington,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: New. Title: Student Assistance General Provisions Annual Fire Safety Report. Frequency: On Occasion. Affected Public: Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 7,282. Burden Hours: 7,283.

Abstract: This new regulation requires the collection of statistics on fires in oncampus student housing facilities, the establishment of a fire log available for public inspection, and the publication of an annual fire safety report containing the institutional policies regarding fire safety and fire statistics.

Requests for copies of the information collection submission for OMB review may be accessed from http:// edicsweb.ed.gov, by selecting the "Browse Pending Collections" link and by clicking on link number 4077. When you access the information collection. click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address ICDocketMgr@ed.gov or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request

Comments regarding burden and/or the collection activity requirements should be electronically mailed to ICDocketMgr@ed.gov. Individuals who use a telecommunications device for the

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8798-8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7146 or http://www.epa.gov/ compliance/nepa/.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated July 17, 2009 (74 FR 34754).

Draft EISe

EIS No. 20090290, ERP No. D-FTA-F54014-WI. Kenosha-Racine-Milwaukee Commuter Rail Extension, Alternative Analysis, U.S. COE Section 404 Permit, Funding, Kenosha, Racine, and Milwaukee Counties, WI.

Summary: EPA expressed environmental concerns about impacts to wetlands and natural areas, and requested additional information on hazardous waste, noise and vibration. Rating EC2.

EIS No. 20090296, ERP No. D-SFW-K90033–CA, Sears Point Wetland and Watershed Restoration Project, To Restore Tidal Wetlands and Rehabilitate Diked Wetlands, Sonoma County, CA.

Summary: EPA expressed environmental concerns about impacts to wetlands and waters from construction activities (trails, roads, and utilities) not related to wetland restoration and to air quality from construction diesel emissions. Rating

EIS No. 20090107, ERP No. DS-NRS-D36121-WV, Lost River Subwatershed of the Potomac River Watershed Project, Construction of Site 16 on Lower Cove Run and Deletion of Site 23 on Cullers Run in the Lost River Watershed. Change in Purpose for Site 16 and Updates Information Relative to Site 23, U.S. Army COE Section 404 Permit, Hardy County, WV.

Summary: EPA continues to have environmental concerns about impacts to a cold water stream and loss of wetland resources, and requested additional information on project need, current conditions of the study area and secondary impacts of a water distribution system. Rating EC2.

Final EISs

EIS No. 20090183, ERP No. F-NRC-D06006-PA, Generic-License Renewal of Nuclear Plants, Supplement 36 to NUREG-1437, Regarding Beaver Valley Power Station, Units 1 and 2, Plant Specific, Issuing Nuclear Power Plant Operating License for an Additional 20-Year Period, PA.

Summary: EPA has no objection to the

proposed action.

EIS No. 20090218, ERP No. F-NRC-D06007-PA, GENERIC-License Renewal of Nuclear Plants, Supplement 37 NUREG-1437, Regarding Three Mile Island Nuclear Station, Unit 1, Dauphin County, PA.

Summary: EPA continues to have environmental concerns about construction impacts.

EIS No. 20090281, ERP No. F-BLM-J01083-WY, South Gillette Area Coal Lease Applications, WYW172585, WYW173360, WYW172657, WYW161248, Proposal to Lease Four Tracts of Federal Coal Reserves, Belle Ayr, Coal Creek, Caballo, and Cordero Rojo Mines, Wyoming Powder River Basin, Campbell County, WY.

Summary: No formal comment letter

was sent to the preparing agency.
EIS No. 20090301, ERP No. FS-NRS-B36121-WV, Lost River Subwatershed of the Potomac River Watershed Project, Construction of Site 16 on Lower Cove Run and Deletion of Site 23 on Cullers Run in the Lost River Watershed, Change in Purpose for Site 16 and Updates Information Relative to Site 23, U.S. Army COE Section 404 Permit, Hardy County, WV.

Summary: EPA continues to have environmental concerns about wetland and cold water stream impacts, and requested additional information on current environmental conditions and the function of structures already in the

Dated: October 27, 2009.

Robert W. Hargrove

Director, NEPA Compliance Division, Office of Federal Activities

[FR Doc. E9-26218 Filed 10-29-09; 8:45 am] BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8598-7]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-1399 or http://www.epa.gov/ compliance/nepa/.

Weekly receipt of Environmental Impact Statements

Filed 10/19/2009 through 10/23/2009 Pursuant to 40 CFR 1506.9.

EIS No. 20090359, Final EIS, FHW, MO, MO-63 Corridor Improvement Project, To Correct Roadway Deficiencies, Reduce Congestion and Provide Continuity along the MO-63 Corridor on the Existing Roadway and on New Location, Osage, Maries and Phelps Counties, MO, Wait Period Ends: 11/30/2009, Contact: Peggy Casey, 573-636-7104.

EIS No. 20090360, Draft EIS, NGB, VT, 158th Fighter Wing Vermont Air National Guard Project, Proposed Realignment of National Guard Avenue and Main Gate Construction, Burlington International Airport in South Burlington, VT, Comment Period Ends: 12/14/2009, Contact: Robert L. Dogan, 301-836-8859.

EIS No. 20090361, Final EIS, NOA, 00. PROGRAMMATIC—Toward an Ecosystem Approach for the Western Pacific Region: From Species-Based Fishery Management Plans to Place-Based Fishery Ecosystem Plans, Bottomfish and Seamount Groundfish, Coral Reef Ecosystems, Crustaceans, Precious Corals, Pelagics, Implementation, American Samoa, Commonwealth of the Northern Mariana Islands, Hawaii, U.S. Pacific Remote Island Area, Wait Period Ends: 11/30/2009, Contact: William L. Robinson, 808-944-2200.

EIS No. 20090362, Draft EIS, DOE, WA. Hanford Site Tank Closure and Waste Management Project, Implementation, Richland, Benton County, WA, Comment Period Ends: 03/19/2010, Contact: Mary Beth Burandi 888-829-

EIS No. 20090363, Draft EIS, SFW, TX. Hays County Regional Habitat Conservation Plan, Application for an Incidental Take Permit, Hays County, TX, Comment Period Ends: 01/28/ 2010, Contact: Allison Arnold, 512-490-0057 Ext. 242.

EIS No. 20090364, Final EIS, NPS, SD, Wind Cave National Park Project, Elk General Management Plan, Implementation, Custer County, SD, Wait Period Ends: 11/30/2009, Contact: Nick Chevance, 402-661-

EIS No. 20090365, Draft EIS, COE, CO. Moffat Collection System Project, to Provide High Quality Dependable, and Safe Drinking Water to Over 1.1 Million Customers in the City and County of Denver, Application for an Section 404 Permit, City and County Denver, Adams, Boulder, Jeffferson and Grand Counties, CO, Comment

Period Ends: 01/28/2010, Contact: Scott Franklin, 303-979-4120.

EIS No. 20090366, Final EIS, FHW, CO, US-36 Corridor, Multi-Modal Transportation Improvements between I-25 in Adams County and Foothills Parkway/Table Mesa Drive in Boulder, Adams, Denver, Broomfield, Boulder and Jefferson Counties, CO, Wait Period Ends: 11/ 30/2009, Contact: Monica Pavlik, 720-963-3012.

EIS No. 20090367, Draft EIS, USA, 00, Fort Bliss Army Growth and Force Structure Realignment Project, Implementing Land Use Changes and Improving Training Infrastructure to Support the Growth the Army (GTA) Stationing Decision, El Paso Country, TX and Dona Ana and Otero Counties, NM, Comment Period Ends: 12/30/ 2009, Contact: Jennifer Shore, 703-602-4238.

EIS No. 20090368, Draft EIS, NSA, TN, Y-12 National Security Complex Project, to Support the Stockpile Stewardship Program and to Meet the Mission Assigned to Y-12, Oak Ridge, TN, Comment Period Ends: 01/04/ 2010, Contact: Pam Gorman, 865-576-9903.

EIS No. 20090369, Draft EIS, USA, LA, Joint Readiness Training Center and Fort Polk Land Acquisition Program, Purchase and Lease Lands for Training and Management Activities, in the Parishes of Vernon, Sabine, Natchitoches, LA, Comment Period Ends: 12/14/2009, Contact: Kristin Evenstad, 703-692-6427.

EIS No. 20090370, Final EIS, NOA, 00, Amendment 16 to the Northwest Multispecies Fishery Management Plan, Propose to Adopt, Approval and Implementation Measures to Continue Formal Rebuilding Program for Overfishing and to End Overfishing on those Stock where it Occurring, Gulf of Maine, Wait Period Ends: 11/ 30/2009, Contact: Patricia A. Kurkul, 978-281-9200.

Amended Notices

EIS No. 20090312, Draft EIS, COE, OH, Cleveland Harbor Dredged Material Management Plan, Operations and Maintenance, Cuyahoga County, OH, Comment Period Ends: 12/07/2009, Contact: Frank O'Connor, 716-879-4131. Revision to FR Notice Published 09/11/2009: Extending Comment period from 10/26/2009 to 12/07/

Dated: October 27, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9-26179 Filed 10-29-09; 8:45 am] BILLING CODE 6560-50-P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board Policy Statements

AGENCY: Farm Credit Administration. ACTION: Notice.

SUMMARY: The Farm Credit Administration (FCA) is publishing the list of FCA Board policy statements, which includes three changes since its last publication and one policy statement in its entirety.

FOR FURTHER INFORMATION CONTACT: Wendy Laguarda, Assistant General Counsel, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4020, TTY (703) 883-4020.

SUPPLEMENTARY INFORMATION: On November 25, 2005, we published a list of all current FCA Board policy statements and the text of each in their entirety. (See 70 FR 71142.) On June 13, 2006, we published just the list and stated that there were no changes. (See 71 FR 34132.) Since then, we published a revised policy statement (FCA-PS-62) (71 FR 46481, Aug. 14, 2006). The list being published today contains a revised policy statement (FCA-PS-79) which was originally published at 73 FR 9804, Feb. 22, 2008. We are publishing the text of policy statement FCA-PS-79 in its entirety.

You can view each policy statement online at http://www.fca.gov/ handbook.nsf. The FCA will continue to publish new or revised policy statements in their full text.

FCA Board Policy Statements

FCA-PS-34 Disclosure of the Issuance and Termination of Enforcement Documents

FCA-PS-37 Communications During Rulemaking FCA-PS-41 Alternative Means of

Dispute Resolution FCA-PS-44 Travel

FCA-PS-53 **Examination Philosophy**

FCA-PS-59 Regulatory Philosophy
FCA-PS-62 Equal Employment
Opportunity Diversity
FCA-PS-64 Rules for the Transaction
of Rusiness of the Part Co. W.

of Business of the Farm Credit Administration Board

FCA-PS-65 Release of Consolidated Reporting System Information

FCA-PS-67 Nondiscrimination on the Basis of Disability in Agency **Programs and Activities**

FCA-PS-68 FCS Building Association Management Operations Policies and Practices

FCA-PS-71 Disaster Relief Efforts by Farm Credit Institutions FCA-PS-72 Financial Institution

Rating System (FIRS) FCA-PS-77 Borrower Privacy FCA-PS-78 Official Names of Farm **Credit System Institutions**

FCA-PS-79 Consideration and Referral of Supervisory Strategies and **Enforcement Actions**

Consideration and Referral of Supervisory Strategies and **Enforcement Actions**

FCA-PS-79 [NV-09-16]

Effective Date: August 7, 2009. Effect on Previous Action: Rescinds and supersedes the previous PS-79.

Source of Authority: Sections 5.19, 5.25-5.35 of the Farm Credit Act of 1971, as amended.

The FCA board hereby adopts the

following policy statement: The Farm Credit Administration (FCA or Agency) Board provides for the regulation and examination of Farm Credit System (System or FCS) institutions, which includes the Federal Agricultural Mortgage Corporation (Farmer Mac), in accordance with the Farm Credit Act of 1971, as amended (the "Act"). This policy addresses conditions that warrant referrals to the Agency's Regulatory Enforcement Committee (REC) to consider appropriate supervisory strategies and recommend to the FCA Board the use of the enforcement authorities conferred on the Agency under Part C, Title V of the Act or other statutes. Enforcement actions include formal agreements,

unsound practices or violations of law, rule or regulation (Enforcement Document). Taking these actions, in an appropriate and timely manner, is critical to maintaining shareholder, investor, and public confidence in the financial strength and future viability of the System. This policy provides only internal

orders to cease and desist, temporary

penalties, suspensions or removals of

directors or officers, and conditions

orders to cease and desist, civil money

imposed in writing to address unsafe or

FCA guidance. It is not intended to create any rights, substantive or procedural, enforceable at law or in any administrative proceeding.

Composition of the REC

The Chairman of the FCA Board will designate the Chief Operating Officer

for individual providers, DoD published a second notice on July 20, 2007, expanding the TRICARE demonstration project for the State of Alaska to reimburse CAHs 101 percent of reasonable costs for inpatient and outpatient care with an effective date of July 1, 2007 (72 FR 41501), using a method similar to Medicare's payment for these hospitals. The CAH portion of the State of Alaska demonstration is no longer necessary because the DoD is implementing such a reimbursement system on a nationwide basis. Consequently, the CAH portion of the demonstration is terminated. The TRICARE CAH final rule was published on August 31, 2009 (74 FR 44752).

Dated: December 15, 2009.

Patricia L. Toppings,

OSD Federal Register Liaison Officer,

Department of Defense.

[FR Doc. E9–30090 Filed 12–17–09; 8:45 am]

BILLING CODE 5001–66-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Extension of the Public Comment Period for the Draft Environmental Impact Statement for the Moffat Collection System Project, City and County of Denver, Adams County, Boulder County, Jefferson County, and Grand County, CO

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD. **ACTION:** Notice.

SUMMARY: The U.S. Army Corps of Engineers (Corps) Omaha District is announcing a 32-day extension of the public comment period for the Moffat Collection System Project (Moffat Project) Draft Environmental Impact Statement (Draft EIS). The originally announced comment period ends on January 28, 2010, but has been extended until March 1, 2010. The original Notice of Availability of the Draft EIS was published in the Federal Register on Friday, October 30, 2009 (74 FR 56186). DATES: Comments on the Draft EIS should be postmarked no later than

ADDRESSES: Written comments on the Draft EIS should be sent to the attention of: Scott Franklin, Moffat EIS Project Manager, U.S. Army Corps of Engineers, Omaha District—Denver Regulatory Office, 9307 South Wadsworth Boulevard, Littleton, CO 80128; via Fax at 303–979–0602; or via e-mail at moffat.eis@usace.army.mil.

March 1, 2010.

SUPPLEMENTARY INFORMATION: None.

Timothy T. Carey,
Chief, Denver Regulatory Office.
[FR Doc. E9–30119 Filed 12–17–09; 8:45 am]
BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

The Release of the Final Environmental Impact Statement (FEIS) for the Proposed Construction of the Western Wake Regional Wastewater Management Facilities, Which Includes Regional Wastewater Pumping, Conveyance, Treatment, and Discharge Facilities To Serve the Towns of Apex, Cary, Holly Springs and Morrisville, as Well as the Wake County Portion of Research Triangle Park (RTP South) in North Carolina

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD. **ACTION:** Notice.

SUMMARY: The U.S. Army Corps of Engineers (COE), Wilmington District, Regulatory Division has been reviewing the request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act from the Town of Cary, acting as the lead applicant for the Western Wake Regional Wastewater Management Facilities Project Partners (Western Wake Partners), to construct Regional Wastewater Management Facility. The proposed project consists of regional wastewater pumping, conveyance, treatment, and discharge facilities to serve the Towns of Apex, Cary, Holly Springs and Morrisville, as well as the Wake County portion of Research Triangle Park (RTP South),

The project is being proposed by the Western Wake Partners to provide wastewater service for planned growth and development in the project service area and to comply with two regulatory mandates. One regulatory mandate has been issued by the North Carolina Environmental Management Commission (EMC), and the second regulatory mandate has been issued by the North Carolina Department of Environment and Natural Resources (NC DENR).

DATES: Written comments on the Final EIS will be received until January 19, 2010.

ADDRESSES: Copies of comments and questions regarding the Final EIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. ATTN: File Number 2005–20159, 69 Darlington Avenue, Wilmington, NC 28403. Copies of the Final EIS can be reviewed on the Wilmington District Regulatory homepage at, http://www.saw.usace.army.mil/wetlands/projects/ww-wtp, or contact Ms. Gwen Robinson, at (910) 251–4494, to receive written or CD copies of the Final EIS. FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and Final EIS can be directed to Mr. Henry Wicker, Project Manager, Regulatory Division, telephone: (910) 251–4930.

SUPPLEMENTARY INFORMATION:

1. Project Description. The proposed project consists of regional wastewater pumping, conveyance, treatment, and discharge facilities to serve the Towns of Apex, Cary, Holly Springs and Morrisville, as well as RTP South. The purpose of the project is to provide wastewater service for planned growth and development in the project service area and to comply with two regulatory mandates. One regulatory mandate has been issued by the North Carolina **Environmental Management** Commission (EMC), and the second regulatory mandate has been issued by the North Carolina Department of Environment and Natural Resources (NC DENR). Regulatory Mandate No. 1-Interbasin Transfer: The Towns of Apex, Cary, and Morrisville, as well as RTF South, obtain their drinking water from Jordan Lake in the Cape Fear River Basin and discharge treated effluent to locations in the Neuse River Basin. Obtaining water from one basin and discharging it to another river basin is referred to as an interbasin transfer (IBT), which requires a permit from the EMC. In July 2001, the EMC granted the Towns of Apex, Cary, and Morrisville, as well as Wake County (on behalf of RTP South), an IBT certificate to withdraw water from the Cape Fear River Basin and transfer the water to the Neuse River Basin. However, as a condition of approval, the IBT certificate issued by the EMC requires the local governments to return reclaimed water to the Cape Fear River Basin after 2010. As a result, the local governments have initiated activities to plan, permit, design, and construct wastewater transmission, treatment, and disposal facilities in order to comply with the terms and conditions of the IBT certificate issued by the EMC. The facilities that are described and evaluated in the environmental impact statement (FEIS) are needed to comply with the IBT certificate terms and conditions.

- Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at http://www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Assistant Secretary of Defense for Health Affairs, Force Health Protection and Readiness, ATTN: Ms. Caroline Miner, 5113 Leesburg Pike, Suite 901, Falls Church, VA 22041, or call Force Health Protection and Readiness, at 703–578–8500 or 1–800–754–2132.

Title; Associated Form; and OMB Number: Department of Defense Addendum to the Department of Health and Human Services' Federalwide Assurance for the Protection of Human Subjects; OMB Control Number 0720— TBD.

Needs and Uses: This form is a tool to help institutions with an existing Federalwide Assurance (FWA) approved by the Department of Health and Human Services (DHHS) to know about and acknowledge key DoD policies and requirements since the DHHS FWA does not identify DoD requirements.

Affected Public: Individuals.
Annual Burden Hours: 5.
Number of Respondents: 10.
Responses per Respondent: 1.
Average Burden per Response: 30
Minutes.

Frequency: On Occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This Addendum is for non-DoD institutions that already have a Federalwide Assurance (FWA) approved by DHHS and will be engaged in DoD-supported human subject research. Its purpose is help these institutions to know about and acknowledge key DoD policies and requirements as the DHHS FWA does not identify DoD requirements.

Dated: February 16, 2010. Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010-3377 Filed 2-19-10; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Federal Advisory Committee; Military Leadership Diversity Commission (MLDC): Meeting Cancellation

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Meeting notice; cancellation.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, the Department of Defense announces that the Military Leadership Diversity Commission (MLDC) meeting that was scheduled for February 10-12, 2010, in Hampton, VA, has been canceled due to major snow storms affecting the eastern coast of the United States. The meeting was announced in the Federal Register on January 14, 2010 (75 FR 2114).

FOR FURTHER INFORMATION CONTACT: Master Chief Steven A. Hady, Designated Federal Officer, MLDC, at (703) 602–0838, 1851 South Bell Street, Suite 532, Arlington, VA, E-mail Steven.Hady@wso.whs.mil.

Dated: February 16, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2010–3379 Filed 2–19–10; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Extension of the Public Comment Period for the Draft Environmental Impact Statement for the Moffat Collection System Project, City and County of Denver, Adams County, Boulder County, Jefferson County, and Grand County, CO

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD. **ACTION:** Notice.

SUMMARY: The U.S. Army Corps of Engineers (Corps) Omaha District is announcing a 16-day extension of the public comment period for the Moffat Collection System Project (Moffat Project) Draft Environmental Impact Statement (Draft EIS). The originally announced comment period ends on March 1, 2010, but has been extended until March 17, 2010. The original Notice of Availability of the Draft EIS was published in the Federal Register on Friday, October 30, 2009 (74 FR 56186) and included an initial 90-day comment period (October 30, 2009 to January 27, 2010). A second Notice of Availability announcing an extension of 32 days (January 27, 2010 to March 1, 2010) was issued on December 18, 2009 (74 FR 67180).

DATES: Comments on the Draft EIS should be postmarked no later than March 17, 2010.

ADDRESSES: Written comments on the Draft EIS should be sent to the attention of: Scott Franklin, Moffat EIS Project Manager, U.S. Army Corps of Engineers, Omaha District—Denver Regulatory Office, 9307 South Wadsworth Boulevard, Littleton, CO 80128; via Fax at 303–979–0602; or via e-mail at moffat.eis@usace.army.mil.

SUPPLEMENTARY INFORMATION: None.

Timothy T. Carey,
Chief, Denver Regulatory Office.
[FR Doc. 2010–3338 Filed 2–19–10; 8:45 am]
BILLING CODE 3720–58-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearings for the Draft Environmental Impact Statement for the Silver Strand Training Complex, San Diego, CA; Correction

AGENCY: Department of Navy, DoD. **ACTION:** Notice; correction.

SUMMARY: The Department of the Navy published a document in the Federal Register (75 FR 4537) of January 28, 2010, concerning public hearings on a Draft Environmental Impact Statement for the Silver Strand Training Complex, San Diego, CA. The document contained incorrect dates.

FOR FURTHER INFORMATION CONTACT:

Naval Facilities Engineering Command Southwest, Attention: Mr. Kent Randall, SSTC EIS Project Manager, 1220 Pacific Highway, Building 1, 5th Floor, San Diego, CA, 92132; or http://www.silver strandtrainingcomplexeis.com.

Correction

In the **Federal Register** (75 FR 4537) of January 28, 2010, on page 4537, in the third column, correct *Dates and Addresses* caption to read:

Legal Notices

Proof of Publication

(General – One Publication)

STATE OF COLORADO COUNTY OF BOULDER

Meghan Weems, of lawful age, being first duly sworn upon oath deposes and says:

1. That she is the Financial Services Representative of The Boulder Daily Camera and has personal knowledge of all the facts set forth in this affidavit and is a competent person to certify that the facts stated herein are accurate and she hereby certifies:

That The Boulder Daily Camera is a public daily newspaper of general circulation as defined by law and is printed and published wholly in the City of Boulder, County of Boulder and State of Colorado: That it has been admitted to the United States mails as second class matter under the provisions of the Act of Congress of March 3, 1879, and amendments thereto: And that it is a legal newspaper duly qualified to publish legal notices of advertisement which are required to be published in said City of Boulder and said County of Boulder or both.

2. That The Boulder Daily Camera is duly qualified to publish the annexed public notice, which is a full, true and correct copy of the original thereof, and the same was published in The Boulder Daily Camera on the 17^{th} day of September, 2003.

eghan Weens

Further affiant sayeth not.

Subscribed and sworn before this $\underline{17^{th}}$ day of September, A.D. 2003. Witness my hand and official seal.

Alm of 5,0

Publication fee: \$42.00

My Commission Expires 07/19/2007

Account number: 5010856

The Boulder Publishing Company, LLC dba Daily Camera, Sunday Camera P.O. Box 4579
Boulder, CO 80306-4579

BURLIC NOTIC

The U.S. Army Corps of Engineers (COE) is preparing an Environmental Impact Statement (EB) to analyze the effects of a water supply project (Mortra Collection System Project) by the City and County of Denver, acting by an activation of the County of Denver, acting by an activation of the Collection System Project by the City and County of Denver, acting by an activation of the Collection System (the number of 18,000 acre-feet to activation of the Collection of the Collection System (the number of 18,000 acre-feet to activate of the Collection System (the number of 18,000 acre-feet to activate of the Collection System (the Collection System Project is expected to Rational Environmental Policy of (Mortra) process to result in a preferred alternative. Construction of the Mortra Collection System Project is expected to result in temporary and permandent of the United States, thereby requiring a Clear Water As Section 440 permit.

The COE has prepared a scoping document for the project that includes a description of the problems that the Moffat Collection System Project must ad dress, a preliminary list of project alternatives, and various environmental resource issues that will be addressed in the ISI. Copies of the scoping document will be available at the public scoping meetings or can be requested by mill.

Questions regarding the proposed project and EIS should be addressed to Chandler Peter, Project Manager, U.S. Army Corps of Engineers, 2232 Del Range Blvd., Sulte 210, Cheyenne, WY 82008, (307) 772-2300, chandler, I.pete r@usece.army.mll.

The COE is hosting three public ecoping meetings: October 7, 2003 at 7:00 Part Fair/lew High School Cafeteria, 1550 Greenbriar Blvd, Boulder; October 8 2003 at 7:00 PM at Highlands Masonic Temple, 3560 Federal Blvd, Denve and October 9, 2003 at 7:00 PM at The Inn at SilverCreek. The control Center Control Center Country (Control Center Control Center Control Center Control Center Cent

Published September 17, 2003 in the Boulder Dally €amera - 5058190.

PROOF OF PUBLICATION



GRANBY, COLORADO

STATE OF COLORADO COUNTY OF GRAND

I, Patrick F. Brower, do solemnly swear that I am the publisher of the Winter Park Manifest, that the same is a weekly newspaper printed, in whole or in part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice of advertisement was published in the regular and entire issue of every number of said weekly

newspaper for the period of

consecutive insertions; and that the first publication of said notice

was in the issue of said newspaper dated

A.D. and that the last

publication of said notice was in the issue of newspaper dated

In witness whereof I have hereunto set my hand this

day of

Publisher.

Subscribed and sworn to before me, a notary public in and for the

County of Grand State of Colorado this

Notary Public

Notary Public

Legal No. 634W

PUBLIC NOTICE

the U.S. Army Corps of Engineers (COE) is preparing an Environmental Impact Statement (EIS) to analyze the effects of a water supply project (Moffat Collection System Project) by the City and County of the County

The COE has prepared a scoping document for the project that includes a description of the problems that the Moffat Collection System Project must address, a preliminary list of project alternatives, and various environmental/resource issues that will be addressed in the EIS. Copies of the scoping document will be available at the public acoping meetings or can be promousted to only an environmental to the public acoping meetings or can be promousted to only an environmental to the public acoping meetings or can be promousted to only an environmental to the public acoping meetings or can be promousted to only an environmental to the project of the public acoping meetings or can be promousted to the public acoping meetings or can be promousted to the public acoping meetings or can be proposed to the project of the project that includes a project that the project must address.

Chandler Péter, Project Manager, U.S. Army Copp of Engineers, 2322 Dell Range Blod.

Suite 210, Cheyenne, Wr. 82009, (307) 772-200, chandler Jeter(Gausse army, and the Chandler Jeter (Gausse arms) and the Chandler Jeter (Gausse army, and The COE in hosting three public scoping meetings. October 7, 2003 at 7:00 PM at PM at Highlands Masonie Temple, 3530 Federal Blvd, Boulder; October 8, 2003 at 7:00 PM at The Inn at Silvet (Text Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at The Inn at Silvet (Text Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at The Inn at Silvet (Text Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at The Inn at Silvet (Text Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at The Inn at Silvet (Text Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at The Inn at Silvet (Text Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at Physical Center (Salvet Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at Physical Center (Salvet Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at Physical Center (Salvet Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at Physical Center (Salvet Convention Center, 6237) 118, Deprese and October 9, 2003 at 7:00 PM at Physical Center (Salvet Center) 118, Deprese and Center (Salvet Center) 118, D

Legal No. 634W
Published In the
First publication
Final publication
September 17, 2003
September 17, 2003

Proof of Publication THE ARVADA SENTINEL 1000 10th Street, Golden, CO 80401

I, L. Arguello, being duly sworn, deposes and says:

- 1. I am the agent of The Arvada Sentinel, that the same is published weekly and has a general circulation in the city of Arvada, County of Jefferson, State of Colorado;
- That the said newspaper has been published continuously and uninterruptedly in said County of Jefferson for a period of more than 52 weeks prior to the first publication of the notice hereto attached;
- That said newspaper is entered in the U.S. Post Office at Denver, Colorado, as second class mail matter;
- 4. That said newspaper is a newspaper within the meaning of the act of the General Assembly of the State of Colorado, approved March 30, 1923, and entitled 'Legal Notices and Advertisements' and other acts relating to the printing and publishing of legal notices and advertisements;
- 5. That the notice hereto attached was published in the regular and entire issues of The Arvada Sentinel once each week, on the same day of each week, for 1 successive weeks, by 1 insertions;
- 6. That the first publication of said notice was in the issue dated September 18, 2003; and that the last publication was in the issue dated September 18, 2003.

Subscribed and sworn to before me this 18th day of

SS

Notary Public

September, 2003.

STATE OF COLORADO

County of Jefferson

Witness my hand and official seal

KAREN ANNE MOLINE NOTARY PUBLIC STATE OF COLORADO

My Commission Expires Apr. 9, 2005

THE Denver Newspaper Agency DENVER, CO

PUBLISHER'S AFFIDAVIT

City and County of Denver, STATE OF COLORADO, SS.

Collene Curran

age and being first duly sworn upon oath, deposes and says: Legal Advertising Reviewer

Legal Advertising Reviewer
That he/she is the

Of The Denver Newspaper Agency, publisher of the Denver Post and
Rocky Mountain News, daily newspapers of general Circulation published
and printed in whole or in part in Denver, in the County of Denver and
State of Colorado, and that said newspaper was Prior to and during
all the time hereinafter mentioned duly qualified For the publication of
legal notices and advertisements within the Meaning of an Act of the
General Assembly of the State of Colorado,
Approved April 7, 1921, as amended and approved March 30, 1923;
And as amended and approved March 5, 1935, antithed "An Act
Concerning Legal Notices, Advertisements and Publications and the
Fees of printers and publishers thereof, and to repeal all acts and parts
Of acts in conflict with the provision of this Act" and amendments
Theretos

That the notice, of which the annexed is a true copy, was published in The said newspaper to wit: (dates of publication)

eptember 18 2003

PUBLIC NOTICE

H

at the Paw Paw Patch in Granby!...

We are all having to fighten our budgets, but don't skimp on the care of your pets. They're depending on YOU to keep them comfortable and healthy! The Paw Payer Patch in Granby has it all-trem warm dog beas to coats and sweaters to help your dog stay warm. Our high quality cat and dog foods will help prevent health problems too, so stop in the Paw Paw Patch to see Pam-she'll help you choose the right supplies for your pets, and she'll give you a free natural dog treat for your dog too!"

> Don't torget the eat's toys too!! At the Paw Paw Patch, south of town in the Granby Business Center

Granby Business Center • 62543 Hwy. 40 Unit J, Granby 970-887-3211



Moffat Collection System Project Draft EIS and Public Hearings

The U.S. Army Corps of Engineers (Corps) has issued a Draft Environmental Impact Statement (EJS) to analyze the effects of a water supply project called the Moffat Collection System Project (Moffat Project) proposed by the City and County of Denver, acting by and through its Board of Water Commissioners (Denver Water). The Draft EIS is available for public review at:

- Denver Water 1600 W. 12th Ave. Denyer, €0 80204
- · Arvada Library
- . Boulder County Main Library
- Denver Central Library
- . Fraser Valley Library
- · Golden Library

- · Corp's Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128
- · Granby Library
- · Kremmling Library
- . Summit County Library North Branch
- . Summit County Library South Branch
- . Thornton Branch Library
- · Electronically at https://www.nwo.usace.army.mil/html/od-ti/eis-info.htm

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat ElS Project Manager Corps Denver Regulatory Office moffat.eis@usace.army.mil

9307 S. Wadsworth Blvd. Littleton, CO 80128 Fax: 303-979-0602

The Corps invites you to present comments on the Draft EIS at Public Hearings:

Where:

Boulder Country Club 7350 Clubhouse Road Boulder, 60 80301 When: Tues, Dec. 1, 2009 Open House 4:00 6:00 p.m. Public Hearing 6:00 p.m.

Where:

The Inn at SilverEreek Grand Ballroom 62927 US Highway 40 Granby, CO 80446 When: Wed., Dec. 2, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where: Doubletree Hotel Grand Ballroom II 3203 Quebes Street Denver, CO 80207 When: Thurs, Dec. 3, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Comments on the Draft EIS must be received by January 28, 2010



Moffat Collection System Project Draft EIS and Public Hearings

The U.S. Army Corps of Engineers (Corps) has issued a Draft Environmental Impact Statement (EIS) to analyze the effects of a Water supply project called the Moffat Collection System Project (Motfat Project) proposed by the City and County of Denver, acting by and through its Board of Water Commissioners (Denver Water), The Draft EIS is available for public review at:

- Denyer Water 1600 W. 12th Ave,
- Denver, GO 80204
- Arvada Library Boulder County Main Library
- Denver Central Library
- Fraser Valley Library
- Golden Library
- Corps Denver Regulatory Office 9307 S, Wadsworth Blvd. Littleton, GO 80128
- Granby Library
- Kremmling Library
- Kremmiling Library
 Summit County Library North Branch
 Summit County Library North Branch Summit County Library South Branch
 - . Thornton Branch Library
- Electronically at https://www.nwo.usase.army.mit/html/od-tl/els-info.htm

The Corps would appreciate your comments on the Draft EIS, Please submit all comments on the Draft EIS in writing to:

Seoft Franklin, Motfat EIS Project Manager 9307 S. Wadsworth Blvd, Corps Denver Regulatory Offi ce moffat.eis@usace.armv.mil.

Littleton, CD 80128 Fax: 303-979-0602

The Corps invites you to present comments on the Draft EIS at Public Hearings;

Where: Boulder Country Club 7350 Clubhouse Road Boulder; 60 80301

Where: The Inp at SilverCreek Grand Ballroom 62927 US Highway 40 Granby, CO 80446

Where: Doubletree Hotel Grand Ballroom II 3203 Quebec Street Denver, CO 80207

When: Tues, Deb. 1, 2009

Open House 4:00-6:00 p.m.

Public Hearing 6:00 p.m.

Comments on the Draft EIS must be received by January 28, 2010

Clinton doubts

rial in Lahore. She is on a three-day state visit to the country, which borders Afghanistan. Mansoor Ahmed, The Associated Press



Moffat Collection System Project Draft EIS and Public Hearings

The U.S. Army Corps of Engineers (Corps) has issued a Draft Environmental impact Statement (EIS) to analyze the effects of a water supply project called the Moffat Collection System Project (Moffat Project) proposed by the City and County of Denver, acting by and through its Board of Water Commissioners (Denver Water). The Draft EIS is available for public review at:

- Denver Water 1600 W. 12th Ave. Denver, CO 80204
- Arvada Library
- Boulder County Main Library
- Denver Central Library
- Fraser Valley Library
- Golden Library

- · Corps Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128
- · Granby Library
- · Kremmling Library
- Summit County Library North Branch
- Summit County Library South Branch
- . Thornton Branch Library
- Electronically at https://www.nwo.usace.army.mil/html/od-tl/els-info.htm

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager Corps Denver Regulatory Offi ce moffat.eis@usace.army.mil

9307 S. Wadsworth Blvd. Littleton, CO 80128 Fax: 303-979-0602

The Corps invites you to present comments on the Draft EIS at Public Hearings:

Boulder Country Club 7350 Clubhouse Road Boulder, CO 80301

When: Tues., Dec. 1, 2009 Public Hearing 6:00 p.m.

Where:

The Inn at SilverCreek Grand Ballroom 62927 US Highway 40 Granby, CO 80446

Open House 4:00-6:00 p.m. When: Wed., Dec. 2, 2009 Open House 4:00-6:00 p.m. Thurs., Dec. 3, 2009 Public Hearing 6:00 p.m.

Where:

Doubletree Hotel Grand Ballroom II 3203 Quebec Street Denver, CO 80207

When:

Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

 failure to serve jail time, fugitive of justice - Summit County/violation of a protection order, Oct. 21; Scott S. Smoyer, 38, of Lakewood, driving under assauft, Oct. 25; Erik D. Rathert, 28, of Kremmling, failure to comply, Oct. 25.



Moffat Collection System Project Draft EIS and Public Hearings

The U.S. Army Corps of Engineers (Corps) has issued a Braft Environmental Impact Statement (EIS) to analyze the effects of a water supply project called the Moffat Collection System Project (Moffat Project) proposed by the City and County of Denver, acting by and through its Board of Water Commissioners (Denver Water). The Draft EIS is available for public review at:

- Denver Water 1600 W. 12th Ave. Denver, CO 80204
- Arvada Library
- . Boulder County Main Library
- Denver Central Library
- · Fraser Valley Library
- Golden Library

- Corps Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleten, CO 80128
- · Granby Library
- . Kremmling Library
- · Summit County Library North Branch
- . Summit County Library South Branch
- · Thornton Branch Library
- · Electronically at https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm

The Corps would appreciate your comments on the Dreft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat BIS Project Manager Corps Denver Regulatory Office

moffat.eis@usace.army.mil

9307 S. Wadsworth Blvd. Littleton, CO 80128 Fax: 303-979-0602

The Corps invites you to present comments on the Draft EIS at Public Hearings:

Where

Boulder Country Club 7350 Clubhouse Road Beulder, CO 80301 When: Tues., Dec. 1, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where: The Jnn at SilverCreek

Grand Ballroom 62927 US Highway 40 Granby, C0 80446 When: Wed., Dec. 2, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where:

Doubletree Hotel Grand Ballroom II 3203 Quebec Street Denver, CO 80207 When: Thurs., Dec. 3, 2009 Open Heuse 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Comments on the Braft EIS must be received by January 28, 2010

Grant To Improve Firefighter Gear

Colorado State University Engineering Professors Obtain \$917,000 Grant to Improve Firefighter Gear

The U.S. Department of Homeland Security has awarded a group of Colorado State University engineering professors a \$917,000 grant to help reduce the heat stress firefighters experience wearing heavy, fireproof suits.

Professors Thomas Bradley, Wade Troxell and John Williams are working with Niwot Technologies, a northern Colorado company, to develop a breathing apparatus for firefighters and hazardous materials workers that can cool them as they work. Niwot Technologies, LLC under its operations manager, Hal Gier, has developed a prototype product called the SuperCritical Air Mobility Pack, known as SCAMP, for NASA that uses cryogenic or extremely cold air to provide breathing air to firefighters in a thin, compact case.

Colorado State will develop a design to improve the pack's endurance and cooling function, and to allow its commercial, civilian use. "The National Fire Protection Association estimates that about 43 percent of line-of-duty deaths by firefighters are the result of cardiovascular failure, which can result from repeated heat stress," said Bradley, assistant professor of mechanical engineering. "Their heavy coats do a great job of isolating firefighters from the high temperatures associated with a fire, but meanwhile they're roasting on the inside because there's no way to get the heat out.

"People generate about 600 watts of metabolic heat performing common firefighting tasks like climbing stairs and carrying heavy loads," Bradley said. "It feels like having 10 60-watt light bulbs under your coat. Firefighters have a dangerous job and their equipment should not make it worse."

Bradley and his team are developing the next generation of firefighter and HazMat airpacks so that air supply and cooling lasts longer. The development of the SCAMP toward the HazMat application will require research into manufacturing processes for thin-film thermoelectric cooling devices, improved system design, and further development of the firefighter/machine interface. The project team includes CSU engineering seniors Nikki Dunlap, Joe Kennedy, Chris Record, Jake Renquist and Andy Rodriguez. "For a small company, the resources available by working with

the university are immense," said Terry Gier. manager of Niwot Technologies. "The students have ideas but don't have the working world background yet. We can help the university to develop their expertise and to combine this research and development effort with student learning."

Poudre Fire Authority firefighters will help in the design review and field testing of the airpack. "We support this research as improvements in the technology of protective systems will result in improved safety for firefighters," said John Mulligan, chief of the Poudre Fire Authority. "This is promising technology that addresses the personal protection concerns of the modern firefighter."

Bradley joined Colorado State in 2008 after obtaining his doctoral degree at the Georgia Institute of Technology. His research interests include automotive and aerospace system design and energy system management.



Moffat Collection System Project Draft EIS and Public Hearings

The U.S. Army Corps of Engineers (Corps) has issued a Draft Environmental Impact Statement (EIS) to analyze the effects of a water supply project called the Moffat Collection System Project (Moffat Project) proposed by the City and County of Denver, acting by and through its Board of Water Commissioners (Denver Water). The Draft EIS is available for public review at:

- Denver Water 1600 W. 12th Ave Denver, CO 80204
- Arvada Library
- . Boulder County Main Library
- · Denver Central Library
- · Golden Library
- · Fraser Valley Library
- . Corps Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128
- · Granby Library
- · Kremmling Library
- . Summit County Library North Branch
- . Summit County Library South Branch
- . Thornton Branch Library
- · Electronically at https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager 9307 S. Wadsworth Blvd. Corps Denver Regulatory Office moffat.eis@usace.armv.mil

Littleton, CO 80128 Fax: 303-979-0602

The Corps invites you to present comments on the Draft EIS at Public Hearings:

Where:

Boulder Country Club 7350 Clubhouse Road Boulder CO 80301 When: Tues., Dec. 1, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where: The Inn at SilverCreek

Grand Ballroom 62927 US Highway 40 Granby, CO 80446 When: Wed., Dec. 2, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where:

Doubletree Hotel Grand Ballroom II 3203 Quebec Street Denver, CO 80207 When: Thurs., Dec. 3, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

November

2009

PAGE 7

AOA Seal of Acceptance when purchasing a glare reduction filter. · Reduce the amount of lighting in the room to match the computer screen. Often this is very simple in the home. In some cases, a smaller light can he substituted for the bright overhead light or a dimmer switch can be installed to give flexible control of room lighting. In other cases, a three-way bulb can be turned onto its lowest setting.

Creative Memories

By Patti Gaeddert

Are you ready to get your pictures out of their boxes and into albums? Need some holiday gift ideas? Let me help you out. After doing my own photo albums and scrapbooks since 1995, I'm taking the next step and have become a Creative Memories consultant. We have monthly Get-Togethers with Missy Hibma and her girls once a month at Chapel in the Hills. Can't make it? Would rather work one-on-one? No problem. We can work at your house, at my house, at Coal Creek Coffee, you could have a few of your friends over for a party and earn free merchandise and prizes...the possibilities are numerous. Our next Get-Together at Chapel is Friday, November 13th from 9am-3pm and from 6pm-10pm. Give me a call or drop me an e-mail if you can join us.

Want to have the albums but don't have the time? Again, no problem. Gather your pictures, we'll get together, you can choose your albums, paper and embellishments, and for a fee, I'll build your album for you! So, no more excuses!

Looking forward to getting you on the road to beautiful, organized family memories.

Patti Gaeddert 303-642-3994 patti.cmc@hotmail.com



Due to the arrival of our baby girl, the deadline for the January 2010 Mountain Messenger is December 15th.

Moffat Collection System Project **Draft EIS and Public Hearings**

The U.S. Army Corps of Engineers (Corps) has issued a Draft Environmental Impact Statement (EIS) to analyze the effects of a water supply project called the Moffat Collection System Project (Moffat Project) proposed by the City and County of Denver, acting by and through its Board of Water Commissioners (Denver Water). The Draft EIS is available for public review at:

- Denver Water 1600 W. 12th Ave. Denver, CO 80204
- Arvada Library
- · Boulder County Main Library
- Denver Central Library
- Fraser Valley Library
- · Golden Library
- Corps Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128
- · Granby Library
- Kremmling Library
 Summit County Library North Branch · Summit County Library South Branch
- . Thornton Branch Library
- · Electronically at https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm

The Corps would appreciate your comments on the Draft EIS.
Please submit all comments on the Draft EIS in writing to:

Corps Denver Regulatory Office moffat.eis@usace.army.mil

Scott Franklin, Moffat EIS Project Manager 9307 S. Wadsworth Blvd. Littleton, CO 80128 Fax: 303-979-0602

The Corps invites you to present comments on the Draft EIS at Public Hearings:

Where: Boulder Country Club 7350 Clubhouse Road

Public Hearing 6:00 p.m.

The Inn at SilverCreek Grand Ballroom Roulder, C0 80301 62927 US Highway 40
When: Tues., Dec. 1, 2009
Open House 4:00-6:00 p.m. When: Wed., Dec. 2, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where: Doubletree Hotel Grand Ballroom II 3203 Quebec Street Denver, CO 80207 When: Thurs., Dec. 3, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Holíday Portraít Sessíon







With \$35 sitting fee receive one 8x12 package sheet: 1-8x12, 2-5x7s, 4-4x6s, or 8 wallets

Each additional package sheet \$10 Don't forget to order your personalized Holiday cards.

25 4x8 or 5x7 cards and envelopes \$35



Contact Molly Morrison at mfoto@photographer.net 303.997.6418 Check out Molly's work online@ www.mollyfotography.com

at the Paw Paw Patch in Granby!...

'We are all having to fighten our budgets, but don't skimp on the care of your pets. They're depending on YOU to keep them comfortable and healthy! The Paw Paw Patch in Granby has it all- from warm dog beds to coats and sweaters to help your dog stay warm. Our high quality cat and dog foods will help prevent health problems too, so stop in the Paw Paw Patch to see Pam-she'll help you choose the right supplies for your pets, and she'll give you a free natural dog treat for your deg tool'

> Don't target the cat's toys too!! At the Paw Paw Patch, south of town in the Granby Business Center

Granby Business Center • 62543 Hwy. 40 Unit J, Granby 970-887-3211



Moffat Collection System Project Draft EIS and Public Hearings

The U.S. Army Corps of Engineers (Corps) has issued a Draft Environmental Impact Statement (EIS) to analyze the effects of a water supply project called the Moffat Collection System Project (Moffat Project) proposed by the City and County of Denver, acting by and through its Beard of Water Commissioners (Denver Water). The Draft EIS is available for public review at:

- Denver Water 1600 W. 12th Ave. Denver, CO 80204
- Arvada Library
- . Boulder County Main Library
- . Denver Central Library
- · Fraser Valley Library
- · Golden Library

- . Corp's Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128
- · Granby Library
- · Kremmling Library
- . Summit County Library North Branch
- . Summit County Library South Branch
- . Thornton Branch Library
- · Electronically at https://www.nwo.usace.army.mil/html/od-ti/eis-infe.htm

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Braft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager Corps Denver Regulatory Office moffat.eis@usace.army.mil

9307 S. Wadsworth Blvd. Littleton, CO 80128 Fax: 303-979-0602

The Corps invites you to present comments on the Draft ElS at Public Hearings:

Where:

Boulder Country Club 7350 Clubhouse Road Boulder, CO 80301 When: Tues, Dec. 1, 2009 Open Heuse 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where:

The Inn at SilverGreek Grand Ballroom 62927 US Highway 40 Granby, CO 80446 When: Wed., Dec. 2, 2009 Open House 4:00-6:00 p.m. Where:

Doubletree Hotel Grand Ballroom II 3203 Quebes Street Denver, CO 80207 When: Thurs., Dec. 3, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Public Hearing 6:00 p.m. Comments on the Draft EIS must be received by January 28, 2010

Hospital open for five years

By the numbers

PUDDLE FULL SERVICE CAR WASH

3108 28th Street • Boulder 303.447.9274 ----------

Draft ElS and Public Heari

EU: Nations must do more for climate pact

NEW CHEF NEW MENU



Boulder's finest Italian Cuisine with classically trained chef Alexander Feldman featuring hand rolled pasta dishes starting at \$11. Enjoy Alba's Happy Hour from 5:00pm to 6:30pm Monday through Friday with select cocktails and wines by the glass half-price along with a great assortment of stuzziehini, small plates of Italian antipasti. FREE parking available,





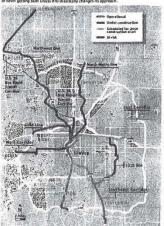


ALBA 2480 Canyon Blvd Boulder, CO 80302 (303) 938 8800



RTD: Report questions transit agency's (FROM 1A Increase to three existing light-rail lines and other transit ingrevements. Migher-than-rejected construction south the rail consideration of the state of the o revenue expectations for FasTracks

RTD's "at-risk" corridors





Viva Colorado brings you news from the Latin world every Thursday



twiss DENTAL)

Need Dental Implants?

Seeking Qualified Patients in need of Dental implant Treatment who are willing to assist us with expansion of our dental implant care delivery program

Greatly Reduced Fees Offered to patients willing to assist in this way, and allow observation of procedutes by other doctors or assistants in training. All General and Cosmetic Dental Services available at same location.

FOR EVALUATION, CALL 720-344-4375 Twiss Dental Highlands Ranch www.twissdental.cor.



Moffat Collection System Project Draft EIS and Public Hearings

cer at:

- Corps Denier Regulatory Office
- SU07 S. Wadaworth Brind.
- Librison, CD 80128
- Granley Librisory
- Ricenseling Library
- Sammat County Library North Branch
- Sammat County Library South Branch
- Thorston Branch Library
- Thorston Branch Library

the Draft BS at Public

9307 S. Wadsworth Littleton. CO 80128 Fax: 303-979-0602



We're keeping our monthly health plan premiums as low as we can - as low as \$0*.



Ask about a \$0° premium AARP* MedicareComplete* from SecureHorizons* Medicare Advantage plan.

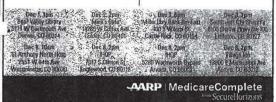
SecureHorizons* Medicare Advantage plans help provide you better health care by combining all your Medicare benefits into one convenient plan. Your doctor takes care of your health. And we take care of your health care coverage.

- Extensive network of hospitals, physicians and other providers.
- Thousands of prescription drugs on our formulary.
- Serving Colorado for over 15 years.

(C) 1-877-583-3111, TTY 711

8 a.m. - 8 p.m. local time, 7 days a week www.AARPMedicareComplete.com

Join your neighbors for a Medicare informational meeting for answers to your questions about Medicare Advantage, Part D. and Medicare Supplement health plans.



The benefit information provided herein is a brief summary, but not a comprehensive description of available benefits. Additional information about benefits is available to assist you in making a decision about your coverage. This is an advertisement; for more information contact the plan.

A sales person will be present with information and applications.

For accommodation of persons with special needs at sales meetings, call 1-877-583-3111, TTY 711.

A United Healthcare Medicare Sulution
"You must continue to pay your Medicare Part B premium it not otherwise paid for under Medicaid or by another third party. You must continue to pay your Medicare trait to general and otherwise paid for under Medicard or by anomet interprairy. The AARP MedicardComplete* phase are Securethrorises* plans issued or connected by an allifative UnitedRedIllhare - less ance Company, an MA organization with a Medicare contract. AARP MedicareComplete* plans carry the AARP rame, and UnicedRedIllhare payes a fee to AARP for the use of the AARP rame, and UnicedRedIllhare payes a fee to AARP for the use of the AARP rame, and UnicedRedIllhare payes a fee to AARP for the use of the AARP rame and the second of the general purpose of AARP and its members. AARP is not the insurer. You do not need to be an AARP member to exnol. AARP and its members. AARP is not the insurer. You do not need to be an AARP member to exnol. AARP and its affiliate are not insurance agencies or carriers and do not employ or endorse insurance agents, brokers, remembershall and the arther insurance agencies or carriers and do not employ or endorse insurance agents, brokers,

C0009M0011 090917 135220

211255

OVEX3172175 000

Opening day at the ski area, 2009 — a poem

The fog hung in the valley just a mile out of town where the mountains spread out into a sort of horseshoe view Meadows and mountains like God That is where the fog hangs in the morning. They must have started early I was there early this morning Mornitrig is a great time of day my hips won't allow me to stay in bed long once I'm awake once I'm aware.
The smoke from burning stash hung just under the fog cover closed in under the weight of the mist right at my feet if felt like I had two cigareftes burning at one tinge.

smoke from the fires early opening day The snow is thin mostly man-made the snadows are dramatic against the white snow I stayed in the house to avoid breathing it drinking tea and doing yega. The smoke creates a light perfect for photos. The trees massive trunks painting charcoal lines as the sun. warms the dew ice crystals of lace daceing across my car windows the day warms the stroke drifts off and away across the valley and into the West The sky blue as a bird. singing in the sun - Carol Price, Winter Park



Moffat Collection System Project Draft EIS and Public Hearings

The U.S. Army Corps of Engineers (Corps) has issued a Draft Environmental Impact Statement (EIS) to analyze the effects of a water supply preject called the Moffat Collection System Project (Moffat Project) proposed by the City and County of Denver, acting by and through its Board of Water Commissioners (Denver Water). The Draft EIS is available for public review at:

- 1600 W. 12th Ave. Denver, CO 80204
- Arvada Library
- · Boulder County Main Library
- . Denver Central Library
- · Fraser Valley Library
- Golden Library

- · Corps Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128
- · Granby Library
- · Kremmling Library
- . Summit County Library North Branch
- · Summit County Library South Branch
- . Thornton Branch Library
- · Electronically at https://www.nwo.usace.army.mil/html/ed-tl/eis-info.htm

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat ElS Project Manager Corps Denver Regulatory Office

moffat.eis@usaca.army.mil

9307 S. Wadsworth Blvd. Littleton, CO 80128 Fax: 303-979-0602

The Corps invites you to present comments on the Draft EIS at Public Hearings:

Where:

Boulder Country Club 7350 Clubhouse Road Boulder, CO 80301 When: Tues., Dec. 1, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where:

The Inn at SilverCreek Grand Ballroom 62927 US Highway 40 Granby, CO 80446 When: Wed., Dec. 2, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where:

Doubletree Hotel Grand Ballroom II 3203 Quebec Street Denver, CO 80207 When: Thurs., Dec. 3, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Comments on the Draft EIS must be received by January 28, 2010



Moffat Gollection System Project Draft EIS and Public Hearings

The U.S. Army Corps of Engineers (Corps) Omaha District will be conducting one additional public open house and hearing for the Moffat Gollection System Project (Moffat Project) in Summit County, CO.

The Corps invites you to present comments on the Braft EIS at the additional Public Hearing to be held at:

> Where: Keystone Conference Center 0633 Tennis Club Road, Keystone, GO 80435

When: Tues., Dec. 8, 2009 Open House 4:00 - 6:00 p.m., Public Hearing 6:00 p.m.

Scheduled Public Hearings:

W	here:	Where:	Where:
Bo	ulder Country Club	The Inn at SilverCreek	Doubletree Hotel
- 73	50 Clubhouse Road	Grand Ballroom	Grand Ballroom II
Bo	oulder, GO 80301	62927 US Highway 40	3203 Quebec Street
W	hen:	Granby, GO 80446	Denver, CO 80207
Tu	es., Dec. 1, 2009	When:	When:
0p	oen House	Wed., Dec. 2, 2009	Thurs., Dec. 3, 2009
4:0	00-6:00 p.m.	Open House	Open House
Pu	iblie Hearing	4:00-6:00 p.m.	4:00-6:00 p.m.
6:0	00 p.m.	Public Hearing	Public Hearing
		6:00 p.m.	6:00 p.m.

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager 9307 S. Wadsworth Blvd. Corps Denver Regulatory Office moffat.eis@usace.army.mil

Littleton, GO 80128 Fax: 303-979-0602

Comments on the Draft EIS must be received by January 28, 2019

Summit Daily News Saturday, January 2, 2010 - Page B9

Human Resources 620 Village Road, Bldg 4,



Background when placing your classified adi

PAILY 668-9937

ASK ABOUT OUR BLIND BOX HELP WANTED ADS.

One call sets up a secure mailbox here at the paper just for you. Confidential and Affordable.

866-850-9937



Moffat Collection System Project

Rescheduled Summit County Public Hearing on the Draft EIS and Extension of the Public Comment Period

The U.S. Army Corps of Engineers (Cerps) Omaha District is announcing a 32-day extension of the comment period to the Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project (Moffat Project) proposed by Denver Water. The new expiration date for the comment period on the Draft EIS is March 1, 2010.

In addition, the Corps has rescheduled the Summit County Public Open House and Hearing for Thursday, January 7, 2010. The Corps invites you to present comments on the Draft EIS at the rescheduled Public Hearing to be held at:

Where:

Beaver Run Conference Center Peak 17 Conference Room 620 Village Road, Breckenridge, CO 80424 (Located at the base of Peak 9)

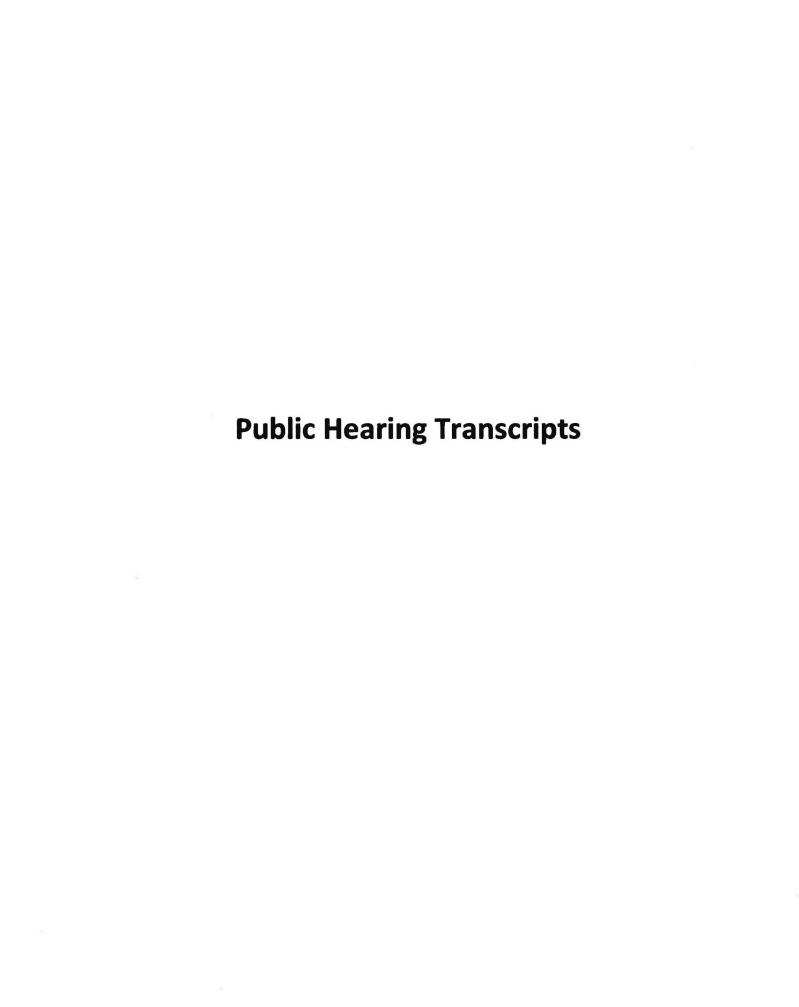
When:

Thurs., Jan. 7, 2010 Open House 4:00 - 6:00 p.m., Public Hearing 6:00 p.m.

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Seott Franklin, Moffat EIS Project Manager 9307 S. Wadsworth Blvd. Corps Denver Regulatory Office moffat.eis@usace.army.mil

Littleton, GO 80128 Fax: 303-979-0602



Public Hearing Transcript, Boulder Country Club, Boulder, Colorado – December 1, 2009

2		
3		
4		
5		
6		
7		
8		
9	THE MOFFAT COLLECTION SYSTEM PROJECT	
10	DRAFT ENVIRONMENTAL IMPACT STATEMENT	
11		
12	PUBLIC HEARING	
13	DECEMBER 1, 2009	
14	BOULDER COUNTRY CLUB	
15	BOULDER, COLORADO	
16		
17		
18		
19		
20		
21		
22	ATKINSON-BAKER, INC.	
23	Court Reporters 800-288-3376	
24	www.depo.com	
25	REPORTED BY PAM D. BUCKNER, CSR FILE NO. A30A656	
		1
1	INDEX	
2	Page 1	

3	INTRODUCTION:	PAGE	
4	By J. Scott Franklin	4	
	by J. Scott Frankfill	7	
5			
6	SPEAKER LIST:		
7	James Newberry	14	
8	Bob Crifasi	17	
9	Shane Hale	20	
10	Larry Quilling	23	
11	David Nickum	25	
12	Shanna Koenig	27	
13	Clark Chapman	29	
14	John Brooks	31	
15	Steve Paul	33	
16	Jack Coddington	35	
17	Dick Sprague	38	
18	Anita Wilks	39	
19	Derek Turner	43	
20	Landis Arnold	45	
21	Jim Curfman	47	
22	Jeff Thompson	49	
23	Mark Squillace	51	
24	Michael Barron	54	
25			

1		INDEX	
2		Continued	
3	SPEAKER LIST:		PAGE
4	Michael Thomason		56
5	Ammon Balaster	_	57
		Pā	age 2

6	Anne Bensard 60	
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
		3
1	PROCEEDINGS	
2	MR. FRANKLIN: Good evening, ladies	
3	and gentlemen.	
4	This hearing will come to order.	
5	I'm Scott Franklin with the Omaha District Corps	
6	of Engineers Regulatory Branch, and the Hearing	

How is everybody? Can you hear me? Page 3

Officer.

7

12-01-2009_Boulder Country Club_HEARING.txt 9 Can you hear me? Okay. Raise your hand if you 10 cannot hear me. Okay. Our purpose this evening is to 11 12 conduct a public hearing on a Department of the 13 Army permit application received from the City and County of Denver, Board of Water Commissioners, to 14 whom we will refer as Denver Water. 15 16 Denver Water is proposing to construct the Moffat Collection System Project, 17 which we will call the Moffat Project. 18 19 (To the reporter) Pam, is this 20 appropriate for you to take? 21 THE REPORTER: Yes. Thank you. MR. FRANKLIN: The Moffat Project 22 23 includes raising Gross Reservoir Dam, which is in 24 the foothills approximately 6 miles southwest of 25 the city of Boulder.

1	Denver Water's need for the Moffat
2	Project is based on two identified concerns.
3	Number one, a need for additional water supply.
4	And, number two, a need to improve reliability and
5	flexibility to Denver Water's water supply system.
6	Beginning in 2016 and by 2030,
7	Denver Water identified an annual 34,000 acre-feet
8	per year shortfall in water supplies. Of this
9	34,000 acre-feet per year shortfall, Denver Water
10	expects to meet 16,000 acre-feet using additional
11	conservation efforts. The development of new firm

	12-01-2009_Boulder Country Club_HEARING.txt
12	yield is necessary to meet the remaining 18,000
13	acre-feet per year shortfall.
14	The Moffat Project will also correct
15	reliability and flexibility concerns in the
16	operations of Denver's water system. Denver
17	Water's preferred approach to meet this need is to
18	raise Gross Reservoir Dam approximately 125 feet
19	to store an additional 72,000 acre-feet of water.
20	Using existing infrastructure, water from the
21	Fraser River and the Williams Fork River would be
22	diverted an average to wet years and delivered via
23	the Moffat Tunnel and South Boulder Creek to the
24	existing Gross Reservoir site.
25	In addition to Denver Water's

1 preferred project to raise Gross Reservoir, the 2 Corps will also evaluate other alternatives Denver 3 Water might use to meet their needs. These include a new reservoir on Lion Creek in Jefferson 4 5 County, additional water stored in local gravel 6 pits and in local underground aquifers, advanced 7 water treatment, and the purchase of existing 8 agricultural water rights. 9 Assisting me this evening is Andrea 10 Parker from Parker from URS Corporation, the Corps' consultant. Before I proceed, do we have 11 12 any elected officials or their representatives 13 here who wish to be recognized? If you'd raise 14 your hand. Any officials? Page 5

```
12-01-2009_Boulder Country Club_HEARING.txt
15
                    MS. PARKER: Scott (indicating).
16
                     MR. FRANKLIN: Introduce yourself.
17
                     MR. NEWBERRY: Grand County, County
      Commissioner.
18
                     MR. FRANKLIN: We'll have officials,
19
       such as yourself, speak first, if we could.
20
21
      Anybody else? I'll put my eyes on here. Right
22
      here.
23
                     MR. LANZI: Elmer Lanzi, Grand Lake
24
       Board of Trustees.
25
                     MR. FRANKLIN: We'll make sure that
                                                               6
 1
      we have your card up first. As soon as I'm
 2
      finished with my text here, we'll have you give --
 3
      we want the officials to be recognized first and
 4
      give any kind of comments you want up front. So
 5
      are you wanting to give some comments tonight?
 6
                     MR. LANZI: Yes.
 7
                     MR. FRANKLIN: Okay. Great. Sir,
      have you filled out one of the forms with the
 8
 9
       cards? Did you do that?
10
                     MR. LANZI: (Nodded.)
                    MR. FRANKLIN: This hearing is being
11
12
       recorded by Pam Buckner of the firm
      Atkinson-Baker. She's right over here. She'll be
13
      taking verbal and verbatim testimony, which will
14
15
      be the basis for the official transcript and
       record of this hearing. The transcript, with all
16
      written statements and other data, will be made
17
```

Page 6

12-01-2009_Boulder Country Club_HEARING.txt part of the administrative record for this 18 19 project. 20 In order to conduct an orderly hearing, it's essential that I have a card from 21 anyone desiring to speak, giving your name and who 22 23 you represent. If you desire to make a statement 24 and have not filled out a card, please obtain one 25 at the entry table. You can do that now, if you'd 7 like. 1 2 Do you have any cards up here at 3 all? Okay. If you want to speak and you haven't filled out a card, they're right over here, if 4 5 you'd like to do that. The purpose of tonight's hearing is 6 7 to help ensure that the Corps has all essential 8 information needed to make a decision regarding 9 the Department of the Army, Section 404 Permit for the proposed project, including comments on the 10 Draft Environmental Impact Statement that was 11 12 released October 30, 2009. 13 This is part of your opportunity to provide us with input and information relative to 14 the Permit decision and the Environmental Impact 15 Statement. We view this as a very important part 16 17 of the decision process and an opportunity for you

I want to thank you for attending tonight and would like to remind everyone present Page 7

to have an influence on the decision.

18

12-01-2009_Boulder Country Club_HEARING.txt 21 that this hearing is not an open forum to discuss 22 the Corps' shortcomings in general. Therefore, we 23 will concentrate our efforts this evening on 24 issues specific to the Moffat Project proposal. Before outlining the sequence of events for this 25 8 1 evening's hearing, I have a few opening remarks. 2 I will then outline the procedure for giving --3 for providing testimony. After that, I'll begin

to call speakers to the podium. And what I mean 5 by "podium," there's a microphone here, and there's also a microphone back just to the left or 6 7 on the other side of the fireplace here. I don't 8 believe there's any over here. We have just the two microphones. 9 10 MS. PARKER: Is that right, Emily? 11 MS. BIERMAN: There's a mic right here (indicating). 12 13 MR. FRANKLIN: Okay. So we have one on the other side of the fireplace. 14 As the hearing officer tonight, my 15 16 intent is to give all interested parties an opportunity to express their views on the proposed 17 project freely, fully, and publicly. It is in the 18 19 spirit of seeking full disclosure and to provide 20 an opportunity for you to be heard regarding the 21 project that we have called this hearing. 22

 $\hbox{Anyone wishing to speak or make a} \\ \hbox{statement will be given the opportunity to do so.} \\ \hbox{Page 8}$

25	neither a proponent nor an opponent of the
1	proposed action.
2	As hearing officer, my role and
3	responsibility is to conduct this hearing in such
4	a manner as to ensure the full disclosure of all
5	relevant facts bearing on the permit application.
6	A final decision on the application
7	will be based on an evaluation of all relevant
8	factors and the probable impacts, including
9	cumulative and direct impacts of the project on
10	the public interest.
11	That decision will reflect the
12	national concern for both the protection and the
13	utilization of important resources. The benefits
14	which reasonably may be expected to accrue from
15	the project will be balanced against the
16	reasonably foreseeable detriments.
17	Shortly I will begin to call
18	speakers by name. Public officials will be given
19	the opportunity to speak first. When I call your
20	name, please come forward to one of the
21	microphones, state your name and your address,
22	spell out your name and street address for our
23	recorder, and specify whether you are representing
24	a group, agency, organization, or speaking as an

I would like to emphasize that the Corps is

24

25

individual.

12-01-2009_Boulder Country Club_HEARING.txt

1 You'll be given three minutes to 2 complete your testimony. If you're going to read a prepared statement, it would be helpful and 3 4 appreciated if the copy would be provided to the 5 court reporter so that your remarks can be translated from the copy. So as soon as you're 6 7 done reading from whatever prepared statement you 8 have, if you'd just hand that to Pam there on the 9 end, that would be great. 10 (To the reporter) Is that helpful? 11 THE REPORTER: Yes. Thank you. MR. FRANKLIN: After all statements 12 have been made, if possible, time may be allowed 13 14 for any additional remarks. Since the purpose of this hearing is to gather information which will 15 be used to evaluate the project and since our 16 17 regulations prohibit open debate between members of the audience, I must insist that all comments 18 19 be directed to me, the hearing officer. 20 During the hearing, I may ask 21 questions to clarify points for my own 22 satisfaction. However, I will not be responding to questions. Speakers will be called from a list 23 24 of the registration cards. 25 Please remember the speakers will be

1	$$12\text{-}01\text{-}2009_Boulder}$ Country Club_HEARING.txt limited to three minutes. I will notify each
2	speaker when you have one minute left by holding
3	up a yellow card until I make eye contact with
4	you, and then we'll notify you when your three
5	minutes are complete. The red card is actually
6	over here.
7	The hearing offers members of the
8	public an equal and open opportunity to concisely
9	present their views, information, or evidence. No
10	portion of unused time allotted to each portion
11	may be transferred to any other presenter. You'll
12	have three minutes, and that's what we'll do for
13	each person. If we permit one speaker to
14	stockpile the unused time for others, the result
15	may be that the hearing record will be unfairly
16	skewed, and others waiting to speak may be
17	discouraged from doing so.
18	Should you desire to submit a
19	written statement for the public hearing record
20	and do not have it prepared, you may send it to
21	attention at U.S. Army Corps of Engineers, Denver
22	Regulatory Office, 9307 South Wadsworth Boulevard,
23	Littleton, 80128.
24	This information, as well as my
25	e-mail address, fax numbers, are contained in

- 1 handouts that are on the table in the back.
- 2 The official record for the public
- 3 hearings, this public hearing, not for the

4	$12\text{-}01\text{-}2009_Boulder$ Country Club_HEARING.txt commenting on the Draft Environmental Impact
5	Statement or the Permit Application, will remain
6	open until December 18, 2009. To be properly
7	considered, written statements relative to the
8	hearings must be received on or before
9	December 18.
10	We have a number of cards from
11	people who have indicated they would like to
12	speak, and so we will be taking occasional breaks.
13	we'll see how long we need to do that. This will
14	happen every hour and a half. So from this point,
15	we're talking about a quarter to eight, we'll take
16	a break of 15 minutes.
17	We'll get back together after that
18	and continue on until we've heard everyone who
19	desires to speak. We'll stay as long as you need
20	to tonight to hear your comments.
21	Additionally, I'd like to point out
22	that the open house information area has been
23	closed up. And for those of you who were unable
24	to view this information, we have a Web site
25	that's identified in the handout information where

L	you can access most of the information. You car
2	access the information that was posted or copies
3	of the Draft Environmental Impact Statement.
1	We have several other public
5	hearings: One tomorrow night in Granby, one on
ô	Thursday night in Denver, and then also one at
	Page 12

```
$12\text{-}01\text{-}2009\_Boulder} Country Club_HEARING.txt Keystone next Tuesday, December 8. And you can
 7
       find out that information also on our Web sites.
 8
       The hearing was not -- let's see here. The
 9
10
       hearing in Keystone was not originally scheduled
       but was added upon request by several individuals
11
       and groups in Summit County because of the
12
13
       potential impacts of the Moffat Project in Summit
14
       County.
                      Have we got all the cards up here?
15
       Okay. Let's make sure that we have the two public
16
17
       officials speak.
                      (Discussion off the record.)
18
19
                      MR. FRANKLIN: The Corps will now
20
       hear statements. James Newberry.
21
                      MR. NEWBERRY: James Newberry,
22
       J-A-M-E-S N-E-W-B-E-
                      MR. FRANKLIN: Sounds great. Here's
24
25
       what I'd like you to do, though, if you don't
```

1 mind, is stand there and face me so I can flag you 2 when your two minutes are up. 3 MR. NEWBERRY: I thought she had the flag. I get double-flagged. 4 Thank you very much for the 5 6 opportunity to be here tonight. And Grand County 7 has been in this process as a cooperating agent; is that right? We've got a different designation, 8 9 but we have been on the very first of it because

10	$12-01-2009_Boulder$ Country Club_HEARING.t we do not have permitting authority, even though a	:xt
11	lot of impacts will be coming out of Grand County,	
12	the Fraser River, especially, and also the	
13	Williams Fort. So we have been involved, and we	
14	appreciate that very much.	
15	I don't want to take up too much of	
16	your time because I know most of you are probably	
17	here for the enlargement of Gross Reservoir, and	
18	we'll have our time in Grand County tomorrow	
19	night. But I wanted to try to bring to you part	
20	of our issue that we have in Grand County. And it	
21	is the cumulative effects. That's what we're	
22	really focusing on.	
23	What we have is the I've got a	
24	handout here that I'll leave, and it's	
25	basically we keep getting numbers thrown around	
		15

1 about how much water is diverted out of Grand 2 County. Some of the more higher estimates are 3 around 85 percent below Windy Gap. And if you 4 know where that is, it's just west of Granby. In actuality, on the averages, we have come up with 5 6 about 72 percent would be diverted above Windy Gap 7 if the Windy Gap Firming Project and the Moffat Collection System are put in place. And we feel 8 9 like that's putting a heavy burden on the rivers 10 and streams in Grand County. To the credit of Denver Water and 11 12 Northern Water Conservancy District, we have been

 $$12\text{-}01\text{-}2009_Boulder}$ Country Club_HEARING.txt working on a plan to come up to mitigate those 13 14 impacts, and we want to make sure that we're 15 dealing with the Corps in so much that they 16 recognize the hard work that's been put into that. We feel like we know that the water 17 was purchased by both Denver Water and Northern, 18 19 and they are entitled to that water. But the 20 environmental impacts is what we have to deal with on the other side. And we feel like we have a 21 22 pretty good plan that we're coming up with, and we 23 would hope that the Corps of Engineers helps -- is 24 a part of recognizing that as we get into the 25 process.

1	MR. FRANKLIN: Thank you.
2	MR. NEWBERRY: Thank you very much.
3	(Discussion off the record.)
4	MR. FRANKLIN: Perhaps the feedback
5	is done. Thank you, sir. My next speaker is Bob
6	Crifasi. Is that correct?
7	MR. CRIFASI: Crifasi. Hi. I'm Bob
8	Crifasi, City of Boulder Open Space and Mountain
9	Parks and water resources administrator with the
10	City of Boulder, Open Space and Mountain Parks.

I'm here to just give a brief update
on a little bit of work that we're doing. We're
in negotiation with the City of Denver and the
City of Lafayette to construct appropriate

16	$$12\text{-}01\text{-}2009_Boulder}$ Country Club_HEARING.txt mitigation for aquatic impacts on the South
17	Boulder Creek part of this project.
18	And what we are hoping to bring to
19	our boards and council in the near future are two
20	intra-governmental agreements that we're
21	negotiating that would, we believe, be an
22	appropriate mitigation response for aquatic
23	impacts on South Boulder Creek. We hope to have
24	those as a formal submittal before the end of the
25	written comment period. And that's contingent, of
	17
1	course, on board's and council's approval. So
2	these are staff staff workings at this point,
3	and we're reasonably optimistic that we can come
4	up with a solution for East Slope, South Boulder
5	Creek impacts to the aquatics that would establish
6	a 5,000 acre-foot environmental pool within Gross
7	Reservoir and then utilize water rights owned by
8	the City of Boulder and the City of Lafayette. No
9	new West Slope water, tying that in in the large
10	pool and run that down to create an in-stream flow

It's an ongoing negotiation; a lot of work going into it. And that's about all I

within South Boulder Creek all the way down to its

have to say at this point. Thank you very much.

16 MR. FRANKLIN: Thank you, Bob. I've

got an Elmer Lanzi. Is that correct, sir?

11 12

confluence.

18 MR. LANZI: Yes, sir. Elmer Lanzi,

12-01-2009_Boulder Country Club_HEARING.txt I'm here to

- speak as an individual and also as a trustee to
 the Board of Trustees, Grand Lake, Colorado.

 MR. FRANKLIN: Thank you.

 MR. LANZI: First of all, I'd like
- 24 to ask for a 45-day extension to our plan. We

25 need time to digest all the facts.

18

Second of all, I'd like to speak of 1 2 the economic impact to our community. In the best of times, Grand Lake business is marginal at best, 3 due to the nature of its seasonal -- seasonal 4 5 business, mostly summertime business. And the 6 fact is is we don't get our wealth from money. 7 We -- we choose to live a rich life in a pristine 8 environment. 9 Also, I'd like to talk about how --10 how these projects, water projects -- there's northwest Colorado and, of course, there's Denver 11 Water -- that haven't even started with this new 12 13 project. And I just need to report to you that at 14 this time, because of the Big Thompson project, our water clarity over the last 25 years has been 15 16 significantly reduced. Grand Lake, if you folks have never 17 18 been there, it's the state's largest natural lake,

mountain lake. When I first moved to Grand Lake

25 years ago, it was a clear lake, beautiful. And

over the years, we've noticed that the clarity has

19

20

```
12-01-2009_Boulder Country Club_HEARING.txt
      been significantly reduced. And, of course, that
22
      pristine lake -- people, friends, and visitors
23
24
       come to see us because of its pristine value.
25
                     I'd like to say that, yes, without
 1
      these two water projects, yes, our economy is
 2
       significantly affected. Thank you very much.
 3
                     MR. FRANKLIN: Thank you, sir.
 4
      Mr. Shane Hale.
 5
                     MR. HALE: Shane Hale. I The at
                                                I'm the
 7
      town manager for Grand Lake. I would like to
 8
      begin by asking for a 45-day extension to the
 9
       comment period. This project scoping occurred
10
      over four years ago, so it does little harm to
11
       give an extension. Furthermore, it's a 2000-page
12
      document. It was released over the holidays, and
13
       I think it's reasonable to give a little bit more
      time to review it. Sorry about the note cards.
14
                     I appreciate that this project does
15
       include 16,000 acre-feet of conservation, but I do
16
17
      believe that the entire 34,000 acre-feet could be
       achieved by conservation alone. According to the
18
19
      DEIS, the total system demand will be
       approximately 375,000 acre-feet in the year 2030,
20
21
      which consists roughly 50 percent or 187,500
22
      acre-feet of outdoor water.
                     Thus, if you just did 20 percent
23
24
       reduction after a warning by Denver Water, you
                                       Page 18
```

1 water or 3,500 more acre-feet than this project 2 will firm up. 3 This type of conservation is not 4 unprecedented for water suppliers. In arid locations like Denver -- for example, the Southern 5 Nevada Water Authority pays customers to remove 6 7 bluegrass and has dropped the water usage by 8 30 percent. This would -- for this project, we realize Denver Water, 56,250 acre-feet there, and 9 we realize a 30 percent reduction in outdoor 10 11 water. 12 In addition, conservation would also 13 save all the rate payers because this project is 14 proposed to cost 149 million in construction and 15 operation maintenance for the Gross Reservoir. So 16 the West Slope and the Front Range both benefit. 17 In reviewing the DEIS, I was surprised that the project makes no mention of the 18 19 impacts to Grand Lake or the Three Lakes Region. 20 To be sure, Grand Lake will be impacted. 18,000 acre-feet removed from the Fraser in May through 21 July -- is that halfway? 22 MS. PARKER: One more minute. 23 24 MR. HALE: Okay. Thanks -- July 25 will result in water that has higher nutrient

1	content. That water is pumped into Grand Lake and
2	will exacerbate problems we've experienced in the
3	past with your high algae and diminished clarity.
4	But the DEIS does ignore Windy Gap
5	from the project where it's proposing it's taking
6	30,000 acre-feet. The commissioner mentioned
7	that, if both of these are approved, only
8	26 percent of the native flows of upper Colorado
9	will be left in Grand County. Yet, no mention is
10	made of the multiple impacts that these projects
11	will cause. I believe the Bureau and the Corps of
12	Engineers should review these simultaneously
13	because they are such a major diversion project.
14	I've not been given enough time to
15	address how glossed over and Pollyanna-ish I
16	believe the impacts of these projects to Grand
17	County are. While we can hope that they are not
18	huge impacts, I think we need to plan for the
19	worst. All possible mitigation should be clearly
20	defined in record of decision so Grand County
21	isn't left to mitigate the impacts of another
22	ill-conceived water project.
23	MR. FRANKLIN: Thank you, sir.
24	(Discussion off the record.)
25	MR. FRANKLIN: We're going to do

- 1 this a little differently now. If you would, when
- you have the microphone, you will address your Page 20 $\,$

12-01-2009_Boulder Country Club_HEARING.txt 3 comments to me, this direction. I'll hold up this yellow card after two minutes, and when three is 4 5 slowly approaching, I'll hold up the red card. Let's see if we can make it easier -- or more 6 difficult. 7 8 Do we have any more public officials 9 who would like to make a comment tonight? (No response.) 10 11 MR. FRANKLIN: Okay. Then I have 12 Larry Quilling, please. MS. PARKER: There's also a mic in 13 14 the back, if that's easier for you to get to. MR. QUILLING: I'm already here. 15 16 Thank you. Larry Quilling. 17 MR. FRANKLIN: If you will turn this 18 way, Larry, that would be great, and just address 19 your comments to me. That would be great. You 20 can stand over there. 21 MR. QUILLING: Larry Quilling, 22 That's Q-U-I-L-L-I 23 B-E-R-E-A. And it's Quilling, Q-U-I-L-I-N-G.

MR. FRANKLIN: Okay. You've got

23

1 three.

2 MR. QUILLING: Thank you for this

3 evening. I'm the Trout Unlimited local chapter

4 president of Boulder Flycasters. I'm here tonight

to talk about the mission for our organization, Page 21

12-01-2009_Boulder Country Club_HEARING.txt 6 and that is to conserve, protect, and restore our 7 cold-water resources. 8 With that in mind, I think something that's really important to discuss tonight is 9 avoiding polarization. Anything that we can 10 11 figure out to do to work together to work through 12 these difficult water decisions is really 13 important. I happen to live just within a few 14 stones throw from South Boulder Creek. I can 15 watch it in the wintertime go completely dry after 16 17 the irrigation season. The mitigation associated with this project has a great benefit associated 18 19 with helping mitigating the expansion of Gross 20 Reservoir, but it doesn't do anything for my 21 playground. I have, you know, family and a 22 property in Grand County, and that's where I play. 23 And believe me, I don't want to see the water dry 24 up in the Fraser River and the Colorado. And I 25 think we need to find ways to make this work for

24

1 everyone.

5

7

Conservation is something that needsto be taken very seriously in all our communities.

4 Right now we're talking about Denver. And I ask

everyone to work together to try to figure out how

6 we make this difficult set of decisions work for

the betterment of both sides of the Divide. So

8 thank you very much.

	12-01-2009_Boulder Country Club_HEARING.t	xt
9	(Discussion off the record.)	
10	MR. FRANKLIN: Thank you, sir.	
11	David Nickum. If you could stand this way, then I	
12	can flag you.	
13	MR. NICKUM: David N	
15	MS. PARKER: Can you spell your	
16	name, also.	
17	MR. NICKUM: D-A-V-I-D. Last name	
18	is N-I-C-K-U-M. I'm also with Trout Unlimited.	
19	I'm the executive director for Colorado Trout	
20	Unlimited. I'd like to echo some of the comments	
21	that have already been made in that the major	
22	issues that are concerned to us with this project	
23	are the cumulative effects on the rivers of upper	
24	Colorado, notably the Fraser, as well as the	
25	Colorado and South. An easy 18,000 acre-feet	
		25
		23
1	taken primarily during higher-flow seasons may not	

2 sound like a great deal, but when you lay it on 3 top of many other diversions that already are in 4 place and the Windy Gap Firming Project that's 5 also being considered at the same time, as you 6 already heard from Grand County Commissioner 7 Newberry, you're looking at diverting almost 8 three-quarters of that portion of the Colorado 9 River. And that creates a different set of accumulated impacts that really need to be 10 11 accounted for and considered and offset. Page 23

- I did want to praise Denver Water's 12 13 creativity in working with Boulder and Lafayette 14 and looking at mitigation on this side of the Divide. The environmental pool is a very good 15 concept and could be very meaningfully benefiting 16 South Boulder Creek. It will be important to make 17 sure that's done with the right safeguards to 18 ensure that that's using water here and not 19 actually exacerbating problems on the other side. 20 But with those kinds of safeguards, it's a very 21 22 creative opportunity to help the environment here 23 in any depleted streams. 24 And I hope that the same kind of creativity can be brought to bear on the West 25
 - 26
 - 1 Slope as well and very much encourage the Corps,
 - 2 as well as Denver Water, to look to the
 - 3 recommendations emerging from the Grand County
 - 4 Stream Flow Management Plan as something of a road
 - 5 map for creative ways of trying to address the
 - flow problems on that side of the Divide as well.
 - 7 Thank you.
 - 8 MR. FRANKLIN: Thank you, sir.
 - 9 Shanna Koenig.
- 10 (Discussion off the record.)
- 11 MS. KOENIG: I have a clogged ear,
- so if I start yelling, let me know. But my name
- is Shanna Koenig, and my add

12-01-2009_Boulder Country Club_HEARING.txt 15 Colorado Council of Governments, and we represent Grand, Summit, Pitkin, and Gunnison County and 16 17 most municipalities and water and sanitation districts within those boundaries. 18 19 And I just wanted to touch on a few 20 points, some that have already been covered by 21 Commissioner Newberry and Grand Lake and some from 22 Trout Unlimited. We haven't had time to do a thorough review of the DEIS, but we do have a few 23 24 things we'd like to add. 25 The DEIS does state that there will 27

1 be little to no impact caused by the Moffat 2 Collection Project because water will only be 3 diverted during run-off months. If this is, in 4 fact, true, we feel the Corps of Engineers should 5 condition their approvals on that basis, so if there are impacts, it will be appropriately 6 7 mitigated. It is only reasonable that the impact be mitigated and that at the risk of scientific 8 9 uncertainty over the scope of the impacts to the 10 aquatic environment should not fall solely on the river and those who rely on it. 11 We also believe very strongly that 12 13 the cumulative impact of previous projects, as well as the Moffat Expansion Project and Windy Gap 14 15 Firming Project, should all be looked at together. The DEIS considered and found the cumulative 16 impacts from the Moffat project to basically be 17 Page 25

12-01-2009_Boulder Country Club_HEARING.txt 18 little to none. 19 However, it's important to recognize 20 that the upper Colorado River Basin is already severely stressed, and even a negligible impact 21 should be considered. 22 23 Commissioner Newberry pointed out that well over half of the water in the upper 24 Colorado River system is diverted to the East 25 28 1 Slope and that a significant amount, up to 2 three-fourths, could be diverted if both of these 3 projects were to go through.

And we also are very supportive of 4 5 the Grand County Stream Management Plan as well. And we also feel that that should be included 6 7 moving forward. 8 MR. FRANKLIN: Thank you. Clark 9 Chapman. 10 MR. CHAPMAN: Clark Chapman, 11 C-H-A-P-

I'm a member of the Preserve Unique 13 Magnolia Association, a neighborhood association 14 in the area of several -- that is 2 to 3 miles 15 radius west of Gross Reservoir. This area will 16 17 receive no benefits from this project. We receive 18 no water. The project will impact us, however. And my personal view is that cities in the desert 19 20 southwest -- and, effectively, that includes metro Page 26

23 live within their means and not put burdens on other people to satisfy the growth. 24 25 And I also think people in our community, like Gross Reservoir, as it is --1 2 although it might be nice in a different way when 3 it's finished. But the real impact on us will be 4 what's planned to be four years, and if things go 5 the way they usually go, will turn out to be six years of massive construction activity that has to 6 7 feed in on the very limited network of roads that 8 go past many of our houses and, certainly, the commute routs that people use to come down to 9 10 Golden and Boulder, and so on, for work. 11 And this is an area that several 12 hundred families in the Magnolia area have 13 repeatedly, in local opinion polls, have voted against the paving of the dirt roads in the 14 15 neighborhood. They live there because they enjoy the pristine rural environment with horses and 16 llamas and so on. 17 And the trucks that will be bringing 18 the gravel and sand in and out and the trees --19 20 the tree removal mentioned in the Draft EIS will 21 be a completely major impact on people, whether it happens on the weekends when they're used to 22 23 having it peaceful and quiet, or clogs up the Page 27

21

22

12-01-2009_Boulder Country Club_HEARING.txt

29

Denver, which if it had 2 inches less rainfall per

year, would be officially a desert -- ought to

25	roads that lead in and out: Basically, Boulder
1	Canyon Road and Coal Creek Canyon Road. And it
2	seems to me incumbent on a project like this to
3	give much more detail and specific attention in
4	this EIS project to real ways of mitigating these
5	impacts.
6	Projects begin and they end, but
7	when they last for four years or six years, it's a
8	major part of people's lives and impacts them very
9	seriously. And I really hope serious attention
10	will be given to that.
11	Also, I hope that the project maybe
12	wouldn't be done because maybe Denver would
13	realize that it's a city like Las Vegas or Phoenix
14	and really ought to live within its means.
15	Thanks.
16	MR. FRANKLIN: Thank you, sir. John
17	Brooks.
18	MR. BROOKS: Thank you for the
19	opportunity here to testify. My name is John
20	Brooks, B-R-O-
22	I'm here representing GGLSA, which
23	is the Greater Grand Lake Shoreline Association, a
24	group that is vitally concerned with the health
25	and prosperity of Grand Lake.

roads during commute hours. There are very few

24

12-01-2009_Boulder Country Club_HEARING.txt

1 As some of you may know, about a 2 year and a half ago, the Colorado Water Control Commission met and issued in a landmark decision 3 4 the first ever clarity standard for a lake in 5 Colorado. That was an attempt to get us somewhere close to solving some of the problems created by 6 7 the Big Thompson Project. 8 Now, given that, we understand that 9 the Fraser River under the Moffat Firming Project 10 will be further diverted to Denver, leaving what's 11 left of the Fraser more loaded with nutrients 12 coming out of the Fraser Valley. It will end up in Windy Gap Reservoir, and from there will be 13 14 pumped up into Grand Lake through the Adams Tunnel to the Front Range. 15 16 Now, given that that nutrient 17 loading will be added to what's already an unacceptable loading of nutrients coming from 18 19 Shadow Mountain into Grand Lake, we were astounded 20 to see that no mention of Grand Lake was made in 21 the EIS; no mention of the economic impact to 22 Grand Lake was made in the EIS. 23 We would ask, therefore, that the 24 impact to Grand Lake be addressed in the EIS and 25 that mitigation for that impact also be addressed.

12-01-2009_Boulder Country Club_HEARING.txt 1 Thank you. 2 MR. FRANKLIN: Thank you, sir. 3 Steve Paul. MR. PAUL: My name is Steve Paul, 5 The The I'm president 7 of the Greater Grand Lake Shoreline Association. 8 John just explained what the letters mean. I 9 wanted to talk about a couple things. 10 As you may or may not be aware, the 11 Colorado Water Quality Control Commission is going to have a hearing in June of 2011 to establish 12 13 statewide standards for nutrient loading in 14 rivers. This is particularly relevant because of the increased nutrient loading we're anticipating 15 additional water being taken out by the Moffat 16 17 Firming, as well as Windy Gap. We're very concerned about this 18 19 nutrient loading because Shadow Mountain Reservoir 20 can't handle the nutrient loading that it has now. 21 We see a plethora of weeds, algae, algal toxins 22 approaching World Health Organization's limits already. And this is only going to exacerbate 23 24 that. And as John pointed out, nowhere in the EIS that we've been able to find has it been 25

- 1 mentioned. We'd like to ask for a 45-day
- 2 extension, also, along with the other people so
- 3 that we can further examine it and see if there is

 $$12\text{-}01\text{-}2009_Boulder}$ Country Club_HEARING.txt something in there that we've missed. 4 5 I applaud Denver for their 6 conservation efforts in the 16,000 acre-feet. I 7 would like to suggest, however -- I think 13A is 8 one of the alternatives that talked about taking agricultural land out of irrigation. What I'd 9 10 like to suggest is that Denver take the land that 11 they were irrigating in a noncash crop known as Kentucky bluegrass in the properties that they 12 13 own, in between the sidewalk and the street 14 throughout the city of Denver -- they control that 15 property, they can determine -- they can tell you 16 whether you can grow a tree or take it down. They 17 can tell you whether you can grow grass on it or not. That would be a great step and easy way to 18 achieve this 34,000 acre-feet without taking 19 20 another drop out of Grand County. 21 The other thing, we need a paradigm 22 shift here. Water resources are finite. 23 because Denver needs more water doesn't mean Grand 24 County is going to create more water. Maybe if we

34

1 by-product, we can create some water. Otherwise,

get hydrogen-powered vehicles that have water as a

- 2 we need to start living within our means. And if
- 3 we want more people to come in, we need to figure
- 4 out more ways to conserve water. Thank you.
- 5 MR. FRANKLIN: Thank you, sir. Jack
- 6 Coddington.

I represent myself, my wife, and 10 probably several other mountain residents. My wife and I have lived near the north shore of 11 Gross Reservoir for over 30 years. Like most the 12 13 people who live in the mountains, the biggest 14 reason we like to live there is for peace and 15 quiet. I oppose the expansion of Gross 16 17 Reservoir for two main reasons. First, is the disruption of the lives of all who live anywhere 18 19 near the reservoir. And, second, I don't support

7 8

9

C-O-D-D-I-

anything that encourages more growth along the
Front Range. If this project goes forward, it
will, in my mind, be an environmental disaster.
Just the removal of all the trees, bushes, and
organic matter to 10 feet above the new high-water
line is huge. Isn't it ironic that not too far

35

1 away, whole forests are dying from the pine 2 beetle? And this project will clear cut 3 approximately 465 acres of completely healthy 4 trees and vegetation. 5 And let's not forget the devastating 6 loss of wildlife habitat. There's the disruption 7 of the lives of all who live anywhere near the reservoir. For five years we would have to put up 8

with the noise of chainsaws, truck traffic,

	12-01-2009_Boulder Country Club_HEARING.txt
10	helicopters moving trees, and construction noise,
11	and dust. The DEIS states that we could be
12	subjected to the noise from the gravel pit and
13	concrete batch plant for up to 24 hours a day from
14	April to September. Gee, I can hardly wait for
15	that.
16	This is a huge project, folks.
17	Building a dam is no small undertaking. This
18	project will affect many people on the Coal Creek
19	side, including Gross Dam Road with increased
20	truck traffic. Forty percent of the aggregate,
21	all the sand and cement, will have to be trucked
22	in from the Coal Creek side. People living in the
23	Lazy Z Estates off Magnolia Road will see a huge
24	increase in truck traffic as they haul off trees
25	from the west side of the reservoir. Even the

1 Flagstaff residents, including Lakeshore Park, 2 will have the same problems, as this is close to the new road that will access the north side of 3 4 the dam. We'll have to put up with this for five 5 years. 6 And the second reason for this 7 project has to do with growth. The main reason Denver Water wants to go forward with this project 8 9 is to secure water for future development along 10 Front Range. Do we really need and want more growth along the Front Range? We already have 11

air-quality issues, congested highways, crowded

```
$12\text{-}01\text{-}2009\_Boulder} Country Club_HEARING.txt parks and open space. I believe the quality of
13
14
       life is deteriorating. The Colorado experience
15
       has changed. More people just equates to more
16
       problems.
                      I propose we put this project up for
17
       a vote by the people of Colorado. I suspect it
18
19
       would be voted down by a landslide.
20
                      And, lastly, what about
       conservation? Wasted water on a daily basis is
21
22
       huge. There's many new technologies in the
23
       housing industry. There's rainwater collection
24
       systems, gray water treatment systems that collect
25
       water for the toilets, tankless water heaters.
                                                                   37
       I'm familiar with all of these because I'm in the
 1
 2
       building business of remodeling old homes. And
```

3 all of these could add up to maybe where we wouldn't even need to do this project. 4 5 So I hope the Corps will listen to my plea when considering the fate of this project. 6 MR. FRANKLIN: Thank you. Richard 7 8 Sprague. 9 MR. SPRAGUE: My name is Richard 10 Sprague, S-P-R-A-

I'm

- testifying for myself. There have been a lot of comments made that I'd reiterate, but I wanted to
- focus on a couple very strong statements.

16	12-01-2009_Boulder Country Club_HEARING.txt I believe it's inappropriate to
17	consider any additional diversion from the West
18	Slope to the East to the Front Range until we
19	have mandatory watering restrictions on the Front
20	Range. We had mandatory water restrictions in the
21	Denver area during the drought. Since then, it's
22	become a free-for-all again with anyone watering
23	whenever they want. I believe that the whole
24	Front Range needs to have rewards for
25	conservation, rewards for taking bluegrass out of

landscaping, or reducing greatly the bluegrass. 1 2 One of the things that I haven't 3 heard addressed yet today is taking peak flows off during runoff. It takes water away from the 4 Fraser River during a critical period when the 5 road sanding and salting impacts on the Fraser 6 7 River need to be flushed out of the river. 8 I'll submit written comments in detail. Since I still have a couple of seconds 9 left, I want to point to the reuse of wastewater. 10 I mentioned to you earlier, Scott, the Muskegon 11 12 Wastewater Treatment Plant in Michigan, which is 30 mgd of wastewater -- treated wastewater applied 13 on very sandy soils. It increases the corn 14 15 production by 50 percent in that part of Michigan. 16 I'm an agronomist by education, so I know this very well. I'm done. Thank you for the 17 18 opportunity.

19		12-01-2009_Boulder Country Club_HEARING.txt MR. FRANKLIN: All right. Thank
20	you, sir.	Anita Wilks.
21		MS. WILKS: Can you hear me?
22		MR. FRANKLIN: We can.
23		MS. WILKS: I'm Anita Wilks. I live
24		
		My last name is smalled W T L K S

My last name is spelled W-I-L-K-S.

1	I'm a homeowner and resident of Coal
2	Creek Canyon for 33 years. I have a degree in
3	Environmental Conservation from CU Boulder. I
4	have read the Draft EIS, and it is too lengthy to
5	address all of its components, but I will mention
6	some here and attempt to be brief.
7	It seems Denver Water and the Corps
8	of Engineers has been able to do what some have
9	tried but failed: That is, to draft an
10	Environmental Impact Statement promoting the
11	expansion of Gross Dam and its reservoir that will
12	bring ten quarries to Coal Creek Canyon. For
13	years now the residents of this small canyon have
14	fought quarry efforts and won, but now with the
15	big guns and municipal greed fueling the fire for
16	more water, the quarry issue isn't even the issue.
17	The Draft EIS, on review, barely
18	touches on the major public concerns of the
19	population of residents most affected by the
20	project. For the small Coal Creek Canyon
21	population, the EIS downplays five years of
	Page 36

23	state highway all residents must use to get to and
24	from their mountain homes. Brief comments about
25	short waits on this highway due to dam
1	construction vehicles are a downright insult to
2	the intelligence of the canyon population.
3	Anyone who drives this canyon road
4	knows the traffic load on it at present is out of
5	control. Road rage, passing over the
6	double-yellow line, fatality accidents, congestion
7	due to slow-moving vehicles, and safety issues for
8	all who must travel it are daily concerns. I fear
9	if the deluge of construction vehicles necessary
10	to (sic. While reading her speech, Ms. Wilks
11	left out a sentence here) existing hazards, we
12	will all suffer. (More content from speech was
13	left out here.)
14	The Draft EIS actually states that
15	the No Action choice might have an negative impact
16	on our property values, simply by the fact that
17	the reservoir levels would rise and fall more
18	often, and so thereby creating an adverse view.
19	This assumption insults my intelligence and
20	further implicates the proponents of the plan in
21	having only Denver Water and the City of Arvada's
22	interests higher in priority than anything else.
23	In one part of the Draft EIS, it is
24	stated that Gross Reservoir water at this time has

 $$12\text{-}01\text{-}2009_Boulder}$ Country Club_HEARING.txt crippling traffic on the two-lane, no-shoulder

40

1	action choice, the water quality of Gross
2	Reservoir is in jeopardy of losing its quality,
3	either temporarily or for some time to come due to
4	unknown factors from upstream contributors. (More
5	content left out from written speech.)
6	But all the players have downplayed
7	the real issue here: Arvada needs more water
8	upstream of its dreams to expand. They go against
9	their own citizens' wishes in the name of revenues
10	and have teamed up with Jefferson County and
11	Denver Water to make those dollar dreams come
12	true. Crying wolf about drought and future water
13	needs is only the smokescreen for greed and the
14	fear of water restrictions.
15	The Draft EIS mentions mandatory
16	water conservation restrictions as if they were
17	the "end of the world" efforts. You cannot drive
18	into Arvada without seeing new housing
19	developments that have sod yards and massive
20	strips of grass along each sidewalk. In what
21	world would this lack of xeriscaping or mandatory
22	water-free landscaping be accepted.
23	MR. FRANKLIN: Thank you.
24	(Discussion off the record.)
25	MR. FRANKLIN: Derek Turner.

MR. TURNER: That's Derek Turner,

4 I'd like to echo some of the 5 comments that have been made about being concerned that we're diverting water to the West Slope. I 6 want to point out some details that I found in the 7 draft that kind of surprised me. In particular, I 8 9 found that in dry -- or in average and wet years, 10 the Moffat Collection Project will be diverting a 11 hundred percent of several streams on the West Slope, which includes St. Louis Creek, King Creek, 12 Middle and South Fork Ranch Creek, Steelman Creek, 13 14 Bobtail Creek, Jones Creek, and McQueary Creek, 15 which add up to eight creeks that are going to be 16 completely diverted. And I find that -- that the Denver 17 water has not established this need and could --18 that the Corps could look at other alternatives to 19 20 satisfying this need without diverting completely these eight streams, of which there are 15 to 20 21 22 other streams that would be diverted, you know, 23 many percents of their normal stream flow. 24 I'd also like to point out that it seems that Colorado solutions to our water 25

1

2

D-E-R-E-K, Tu

- 1 shortages in the future all seem to be based
- 2 around large engineering projects, instead of Page 39

12-01-2009_Boulder Country Club_HEARING.txt

- 3 small-scale impoundments and agricultural
- 4 transfer. Those are some solutions that have been
- 5 mentioned. It doesn't seem like the Army Corps is
- 6 really considering them in their alternatives
- 7 analysis.
- 8 In particular, screening LP1
- 9 eliminates any alternative or component of the
- 10 project that cannot hold 15,000 acre-feet of
- 11 water, which eliminates 94 different alternatives
- or components that could be used to meet this
- 13 demand that's been stated.
- I feel like, in this day and age, we
- 15 have a number of progressive solutions to meeting
- our water demands that do not involve building
- 17 reservoirs for 15,000 acre-feet, such as
- 18 agricultural transfers and fowling and other
- solutions that can be phased in slowly rather than
- 20 building a massive project and taking all this
- 21 water.
- Thus, I really encourage the Corps
- 23 to look at the impacts again in this final
- 24 Environmental Impact Statement and see if this
- 25 Alternatives Analysis could be expanded to include

1 some of these other alternatives for meeting the

- 2 demand.
- 3 I do think that Denver Water is, you
- 4 know, a state leader in conservation efforts. I
- 5 think it should be a national leader, based on the Page 40

12-01-2009_Boulder Country Club_HEARING.txt amount of water that we have in the state. For 6 7 example, I think Denver Water averages 168 gallons 8 per day per resident. A city in the world similar to Denver: Brisbane, Australia, which is a 9 10 similar population, also in a dry climate, 11 averages 32 gallons per day. Thank you. 12 MR. FRANKLIN: Thank you, sir. 13 Landis Arnold. MR. ARNOLD: Landis A d, 14 Excuse me. I'm testifying for myself, my family, and my 16 17 community. I am a member of several organizations that are interested, who will probably speak on 18 19 their own. 20 This Colorado issue affects our 21 family and home more than some. I was born in

45

father informed me of this meeting.

As a river voter, Denver Water's

Strontia Springs Dam removed one of the most

wonderful pieces of river navigation in the state

through Waterton Canyon. I did get to paddle it

once in high school.

The impact of existing Moffat

Boulder, went through Denver Public Schools in

Denver, spent weekends next to the Moffat Tunnel

one of the tributaries of the Fraser River. My

at Winter Park. My parents now live in Tabernash,

22

23

24

25

8 diversions have made navigation through Fraser Page 41

12-01-2009_Boulder Country Club_HEARING.txt

- 9 Canyon be now as short as one week long in a year
- 10 where there is water. This is before these
- 11 additional diversions that are outlined here. To
- 12 balance supplies -- that's a goal -- removing or
- modifying Strontia Springs might be a way to
- balance your supply lines and bring some
- 15 navigation back, which is part of the Corps'
- 16 primary protective responsibilities, I believe.
- 17 And I'm not sure that's going to happen. But do
- 18 consider that.
- 19 The industry and allocation plan
- 20 toward South Boulder Creek should be balanced with
- 21 its sister stream, the Fraser River. The algae of
- 22 the Fraser River is already very low for the
- 23 expanding sewer systems, which have been approved
- 24 by the Corps in recent years in Grand County.
- 25 Bottom line: We are severely

- 1 inhibiting river navigation and critical health
- 2 and environmental needs that water in our rivers
- 3 mean. The decisions we need to make here really
- 4 have to do with whether and how we want to, quote,
- 5 build out. In my opinion, we've built out enough,
- 6 if not too much already. The projections of need
- 7 fulfillment need to be reassessed. I think we
- 8 most all like the Colorado we live in right now.
- 9 Thank you.
- 10 MR. FRANKLIN: Thank you, sir. Jim
- 11 Curfman.

12-01-2009 Boulder Country Club HEARING.txt

	12-01-2009_Boulder Country Club_HEARING.LX
12	MR. CURFMAN: Good evening. My name
13	is Jim Curfman, C-U-R-F-M-A-N. I'm a resident of
14	Coal Creek Canyon. I
	And I basically want to echo
16	the sentiments that were mentioned earlier by the
17	folks from Trout Unlimited, David Nickum and Larry
18	Quilling. I, too, am a fisherman and enjoy
19	currently fishing on South Boulder Creek above
20	Gross Reservoir. And I'm concerned about the
21	impact of diverting that volume of water from the
22	Western Slope. We're already and I've also had

an opportunity to fish the -- I'm drawing a blank

River. Thank you. And, unfortunately, I don't go

on the river on the other side -- the Fraser

back there very often anymore because the qualityhas deteriorated so much.

 I'm concerned about the volume of water coming through. I'm also concerned, as this other woman expressed, the volume of traffic and the impact on the canyon. I drive up and down the canyon every day. And to think of six years of having to endure the traffic, losing the beautiful recreational facility at both Gross Reservoir and also Walker Ranch below it, I think would be significant, and then back to South Boulder Creek.

The Denver Water Board -- and I
don't know when this was done, but my guess was it
was probably in the '30s when they originally
Page 43

12-01-2009_Boulder Country Club_HEARING.txt 15 began to divert the volume of water through that area and took what was a beautiful pristine Oxbow 16 17 Creek that flowed through the area around Tolin, and basically turned that into a canal. 18 19 I think that ultimately the goal of 20 this is to try to minimize the impact to some of the rivers or to South Boulder Creek, and I think 21 this will only impact it negatively, more so than 22 it already has been. Thank you very much. 23 24 MR. FRANKLIN: Thank you, sir. Jeff Thompson. Jeff, going once -- oh, there you are. 25 48

1 MS. PARKER: He's getting a cookie.
2 MR. THOMPSON: Jeff Thompson,

4 First of all, Denver's existing 5 water supply is something like 343,000 acre-feet in a 1-in-50-year drought in -- that's a dry year 6 or drought year. There's much more water in a 7 8 normal year than that. If you simply lower that 9 reliability standard of a 1-in-50-year drought to something lower -- probably not as low as a 10 1-in-20-year drought -- for reliability standards, 11 then this problem goes away. 12 13 Then suddenly, we have more than that, 18,000 acre-feet of water. So what we're 14 15 all talking about here is not the water; we're talking about the reliability standard. And so 16 people will say: Well, what will happen if we 17 Page 44

don't have that higher reliability standard? Will 18 19 we be able to get industry? Will we have jobs? 20 what will happen to our economy? Well, Boulder's reliability standard 21 is a 1-in-20-year drought. And there is no city 22 23 in Colorado that has the industrial economic 24 vitality that Boulder has. 25 So, in my opinion, just based on 49 1 this issue of the reliability standard, this whole 2 thing is ridiculous. 3 The other thing is: It is a 4 reasonably foreseeable impact of this increase in 5 water supply that there will be more growth in places like Arvada and Broomfield than there would 6 7 be if this project is not permitted. And 8 therefore, the law, NEPA, requires that that 9 impact be considered. And the Environmental 10 Impact Statement does not consider that. 11 Those two problems that I just 12 talked about are also problems with the 13 Environmental Impact Statements for the Windy Gap Firming Project and for the Northern Integrated 14 Supply Project. And the only way we're going to 15 16 get the Corps to do these impact statements as the

12-01-2009_Boulder Country Club_HEARING.txt

And I'm a lawyer, and I've read some
of the cases, and I'm sure that the opponents of
Page 45

court resolve these issues.

1718

law requires is to take them to court and let the

23 decent Environmental Impact Statement. So we need 24 to figure out some way to get ourselves together 25 and raise the money it would take -- it wouldn't 1 be that much -- to challenge the Corps and 2 preserve NEPA. Because the way NEPA is being 3 administered these days, it's basically become, in 4 my opinion, a farce. 5 The last thing I'd like to talk 6 about is global warming because I think global 7 warming has to be talked about in every public 8 discussion about any public matter. These projects are going to cost about a billion 9 10 dollars, and that money could be used for things 11 like rooftop solar projects. So thanks a lot. 12 MR. FRANKLIN: Thank you, sir. Mark 13 Squillace. I hope I didn't butcher that. MR. SQUILLACE: You did. It's Mark 14 15 Squillace. That's S-Q-U-I-L-L-A-C-E. Thanks very much for the opportunity 17 to talk with all you today. I have two points I'd 18 like to make. One concerns process. And you 19 20 mentioned in the beginning that you wouldn't be 21 answering questions or responding to questions 22 from the audience, but I'd like to suggest that 23 it's really the obligation of a government agency

21

22

12-01-2009_Boulder Country Club_HEARING.txt

Page 46

50

these projects will prevail and that we would be

able to get the courts to mandate that we get a

24 to engage the public on these issues. And 25 engagement is a two-way street. It's not a 1 situation where we come and make our statements. 2 We'd like to hear why you think that the approach 3 that you've taken in this document is appropriate. And we'd like to engage you on some of the 4 5 concerns that we have. So I'd ask you in the future that you'd consider being more open about 6 7 dialogue on these kinds of issues. 8 On the substance or a, sort of, 9 point that I'd like to make, it concerns some of what's already been talked about. And that 10 11 relates to NEPA alternative analyses in the Draft Environmental Impact Statement. If you look at 12 this document, and if you look at just about every 13 14 document that the Corps has prepared in the Front 15 Range over the past couple of years -- you can 16 look at the Windy Gap Firming Project, you can 17 look at the Halligan/Seaman EIS that Fort Collins is proposing, you can look at the document on that 18 19 reservoir that was recently rejected by EPA. The only alternatives that the Corps seems 20 institutionally capable of considering are 21 22 engineering alternatives. Now, I realize you are the Army Corps of Engineers, and so maybe that's

why you can only look at engineering alternatives.

2324

25

12-01-2009_Boulder Country Club_HEARING.txt

51

But NEPA requires that you consider

```
1
       all reasonable alternatives and alternatives that
 2
       require stronger conservation measures, that would
       require water marketing kinds of solutions that
 3
      were discussed earlier. Or some mix of all of
 4
 5
       these really need to be taken into account in all
       these Draft EISs that are being done.
 6
 7
                     It is certainly true that the
 8
       conservation measures that Denver Water is
 9
      proposing in this document are laudable as far as
10
      they go, but they're not even -- they would not
11
       even lead to the level of conservation that
12
      they've already achieved during the drought year
      of 2002.
13
14
                     It strikes me that Denver Water can
      do a lot better in terms of coming to the table
15
      with water conservation alternatives. And if they
16
17
      need to get a little bit of water through the
      marketing mechanisms, it would be a lot cheaper
18
19
      than going through the engineering kinds of
       solutions that are being proposed here by the
20
21
      Corps. It's more cumbersome sometimes. Water
22
       transfers are not easy. I think that there's a
       lot of opportunities to do water transfers
23
24
       creatively, but they've got time to deal with that
```

kind of an issue.

1	12-01-2009_Boulder Country Club_HEARING.txt And I really hope that the Corps
2	will take to heart the opportunity that they have
3	here to think outside the box and think more
4	creatively and come up with a solution that
5	doesn't require every time somebody thinks they
6	need more water, to build a new dam. Thank you.
7	MR. FRANKLIN: Thank you, sir. I
8	will try not to butcher any more names but no
9	guarantees. Michael Barrow.
10	MR. BARROW: I'm Mike Barrow,
11	B-A-R-
12	<pre>I'm I'm a self-professed public lands</pre>
13	recreation advocate. I'm here on behalf of the
L 4	Boulder Mountain Bike Alliance. We work on
15	recreation issues throughout Boulder County.
16	And I'm pretty conflicted after I've
17	come and listened to all you folks tonight about
18	the changes that this project would give. The
19	reason why I came tonight is that we have a very
20	long-term goal project that we're trying to create
21	a trail that will get you from the Divide all the
22	way to the plains. And the South Boulder Creek
23	drainage is a perfect opportunity waiting to
24	happen. We've been working for the last seven to
25	ten years with the City of Boulder, Eldorado

- 1 Canyon State Park, Boulder County, and the U.S.
- 2 Forest Service to make this happen.
- 3 Needless to say, Gross Reservoir

```
$12\text{-}01\text{-}2009\_Boulder} Country Club_HEARING.txt sits right in the middle of this. But -- and I
 4
 5
       would encourage the Corps to look at these
 6
       recreation opportunities that are called out for
 7
       in the Boulder County Comprehensive Plan. And I
 8
       don't know whether or not your -- your process has
       even looked at the Boulder County Comprehensive
 9
10
       Plan to see if you can integrate some of the goals
11
       that we, as a community, have agreed upon with
12
       your own goals.
                      That being said, I have to agree
13
14
       with the folks in PUMA that a construction project
15
       over six years is going to impact everybody up in
16
       the hills, and that has to be addressed a lot
17
       more. And I don't -- I'm not sure, but a bigger
       Gross Reservoir is going to be a bigger draw for
18
19
       people. It's going to change the nature of that
20
       neighborhood, the whole general area. And I would
       like to see, you know, any project that goes
21
22
       forward do a better job of addressing those
23
       concerns. Thank you.
24
                      MR. FRANKLIN: Thank you, sir.
25
       have one more card here. Michael Thomason.
```

- 1 anybody else would like to speak after
- 2 Mr. Thomason, we'd be glad to accept your cards.
- 3 So we'll make that available.
- 4 MR. THOMASON: I'm Michael Thomason,

12-01-2009_Boulder Country Club_HEARING.txt

8	I'm a physicist at the University
9	here in Boulder, and I'd like to ask for you to
10	consider controlling your own population, instead
11	of destroying more of Boulder County and the
12	Western Slope.
13	In the Environmental Draft Statement
14	there is a map of wildlife corridors in Boulder
15	County. It shows two wildlife corridors in
16	Boulder County. These corridors go from the
17	plains, through the foothills, through the montane
18	into the subalpine region. And, if you follow
19	this wildlife corridor on this map, it starts in
20	the plains, goes along South Boulder Creek, and
21	then it goes through Gross Reservoir, not around
22	Gross Reservoir. It goes through the reservoir.
23	Now, if most of us have never
24	even seen a herd of elk here in Boulder County,
25	but they say there's at least 250 elk here. And

56

1 those elk, every spring, migrate over a period of 2 about three days, 20 to 30 miles from the plains 3 to subalpine region. And this is one of their 4 wildlife migration corridors. The elk need us. 5 There's a figure just previous to 6 this in the Environmental Impact Statement, 7 No. 3, Chapter 3, that shows elk habitat. The elk winter habitat in Boulder County includes Gross 8 9 Reservoir, not around Gross Reservoir. Part of Page 51

```
12-01-2009_Boulder Country Club_HEARING.txt the reservoir itself is historical elk habitat.
10
                      So what does that tell us? Up until
11
12
       this reservoir was created, there was a wildlife
13
       corridor. It's destroyed. It's not there
       anymore. What we need to do is eliminate Gross
14
       Reservoir and not expand it.
15
                     MR. FRANKLIN: Thank you, sir.
16
17
       That's all the cards I have. I sincerely
       appreciate everybody -- you've got one? Please,
18
       if there's anybody else that would like to speak,
19
20
       please fill out a card, and we'll make sure that
21
       you have an opportunity to give your comments.
                     MR. BALASTER: Hello. My name is
22
23
       Ammon Balaster. I'm a resid
25
                      MR. FRANKLIN: Spell your name.
```

1	MR. BALASTER: Oh, I'm sorry. It's			
2	B-A-L-A-S-T-E-R; first name is Ammon.			
3	I would just like to relate a story			
4	that kind of relates to the last one. And that			
5	involves the notion that water is directly related			
6	to growth, and sometimes it's urban sprawl and			
7	growth beyond what many of us might consider			
8	optimum.			
9	The story I'd like to relate is			
10	relative to Los Angeles, California, and a man by			
11	the name of Mulholland. Mulholland this is			
12	back in the early part of the 20th century was			
	Page 52			

```
$12\text{-}01\text{-}2009\_Boulder} Country Club_HEARING.txt the head of the water department of Los Angeles.
13
14
       And Los Angeles at that time was the garden spot
15
       of the country. It was gorgeous; it was
16
       beautiful. It had gardens and a lot of
       agriculture and a very fine city.
17
                       But the growth was limited by the
18
       availability of water. So Mulholland, being the
19
20
       head of the water department, was very creative.
       He sent a bunch of his men up into the northern
21
       parts -- northeastern parts of California up
22
23
       around Mono Lake and the vast ranch country up
24
       there, very lush country, and they bought up water
25
       rights. They bought up massive water rights from
```

1 all the ranchers up there and proceeded to build 2 canals and waterways to bring that water into Los Angeles; consequently, making some of that ranch area up there into almost a desert and also reducing the water level on Mono Lake considerably, as you can see it today. Mulholland lived to see the growth that his water brought to Los Angeles and the sprawl and the over-population that you see in that city today. He died somewhat of a broken man realizing the error of his ways. Something for 11 all of us, I think, to consider. Thank you. MR. FRANKLIN: Thank you, sir. I have no more cards up here, which sort of 14 indicates we're done for the night. But I'll give

3

4 5

6

7 8

9

10

12

13

15

16	12-01-2009_Boulder Country Club_HEARING. an opportunity for anybody who wants to speak or	txt
17	make some comments, you can do that now.	
18	Would you like to do that?	
19	MS. BENSARD: I haven't filled out a	
20	card. Can I fill one out after?	
21	MR. FRANKLIN: We'll let you fill	
22	one out later, if you make sure and promise to do	
23	that.	
24	MS. BENSARD: Thank you. My name is	
25	Anne Bensard, Anne with an E, B as in boy,	
		59
		35
1	- N	
1	E-N-S	

3 I just kind of wanted to briefly talk about the economic impact that this project 4 5 will have in Grand County. As the gentleman from Grand Lake said earlier, it's a very seasonal 6 7 economy. A lot of people rely on the river in the 8 summer for their businesses. And, frankly, one bad summer can ruin a business in Grand County. 9 So I think it's very important for the statement 10 and even the policy to take into account what the 11 12 economic effects could be if further water is diverted from Grand County. Thank you. 13 MR. FRANKLIN: Thank you. Keep an 14 15 eye on her when she goes out and make sure she 16 signs a card. 17 Anybody else? If nobody else wants 18 to speak, we'll close the public hearing.

19	12-01-2009_Boulder Country Club_HEARING.txt closing, I'd like to remind you that the hearing
20	administrative record will be open until
21	December 18, 2009. And for anyone wishing to
22	submit written comments, comments on the Section
23	404 Permit Application or the Draft EIS must be
24	received by the Corps by January 28, 2010.
25	If there are no further comments,
	60
1	this hearing is officially closed.
2	
3	
4	
5	(The hearing was concluded at the
6	approximate hour of 7:29 p.m.)
7	
8	* * * *
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	

REPORTER'S CERTIFICATE

I, PAM D. BUCKNER, Certified Shorthand
Reporter and a Notary Public in the State of
Colorado, appointed to take these proceedings, do
hereby certify that this proceeding was taken by
me at the Boulder Country Club, 7350 Clubhouse
Road, Boulder, Colorado, 80301 on December 1,
2009; that the proceedings were thereafter reduced
to typewritten form by means of computer-aided
transcription; that the foregoing is an accurate
transcript of the proceedings at that time.

I further certify that I am not related to any party herein or their counsel and have no interest in the result of this proceeding.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 6th day

of December, 20 9

Pam D Buckner

PAM D. BUCKNER, CSR

My Commission Expires 10/22/2013

Public Hearing Transcript, The Inn at Silver Creek, Granby, Colorado – December 2, 2009

1		
2		
3	MOFFAT COLLECTION SYSTEM PROJECT	
4		PUBLIC HEARING
5		December 2, 2009
6		
7		
8		
9		THE INN AT SILVER CREEK
LO		62927 U.S. Highway 40
L1		GRANBY, COLORADO 80446
L2		
L3		
L4		Commencing at 6:03 p.m.
L5		
L6		
L7		
L8		
L9		
20	ATKINSON-BAKER, INC. COURT REPORTERS 500 North Brand Boulevard, Third Floor Glendale, California 91203 (818) 551-7300 www.depo.com	
21		
22		
23	www.depo.com	
24	Reported by:	Carla D. Capritta, RPR
25	Job No.:	A30A657
		1
		1
1		PROCEEDINGS

MR. FRANKLIN: This hearing will now come to Page $\mathbf{1}$

- 3 order.
- 4 Ladies and gentlemen, I'm Scott Franklin with
- 5 the Omaha District Corps of Engineers Regulatory Branch,
- 6 and the hearing officer.
- 7 Our purpose this evening is to conduct a
- 8 public hearing on a Department of the Army Permit
- 9 application received from the City and County of Denver,
- 10 Board of Water Commissioners, to whom we will refer as
- 11 Denver Water.
- 12 Denver Water is proposing to construct the
- 13 Moffat Collection System Project, which we'll call the
- 14 Moffat Project.
- 15 The Moffat Project includes raising Gross
- 16 Reservoir Dam, which is in the foothills approximately
- 17 6 miles southwest of the City of Boulder. Denver
- 18 Water's need for the Moffat Project is based on two
- 19 identified concerns:
- No. 1, a need for additional water supply,
- 21 and,
- No. 2, a need to improve the reliability and
- 23 flexibility to Denver Water's water supply system.
- 24 Beginning in 2016, and by 2030, Denver Water
- 25 identified an annual 34,000 acre-feet per year shortfall

- 1 in water supplies. Of this 34,000 acre-feet per year
- 2 shortfall, Denver Water expects to meet 16,000 of that
- 3 using additional conservation efforts. The development
- 4 of new, firm yield is necessary to meet the remaining
- 5 18,000 acre-feet per year shortfall. The Moffat Project Page 2

- 6 will also correct reliability and flexibility concerns
- 7 in the operations of Denver Water's system.
- 8 Denver Water's preferred approach to meet this
- 9 need is to raise Gross Reservoir Dam approximately
- 10 125 feet, to store an additional 72,000 acre-feet of
- 11 water. Using existing collection infrastructure, water
- 12 from the Fraser River and Williams Fork River will be
- 13 diverted in average to wet years, and delivered via the
- 14 Moffat Tunnel and South Boulder Creek to the existing
- 15 Gross Reservoir Dam site.
- 16 In addition to Denver Water's preferred
- 17 project to raise Gross Reservoir, the Corps will also
- 18 evaluate the other alternatives Denver Water might use
- 19 to meet their needs. Using existing collection
- 20 infrastructure, water from -- excuse me, let's see. Let
- 21 me restate that.
- 22 In addition to Denver Water's preferred
- 23 project to raise Gross Reservoir, the Corps will also
- 24 evaluate other alternatives Denver Water might use to
- 25 meet their needs. These include a new reservoir on

- 1 Leyden Creek in Jefferson County, additional water
- 2 stored in local gravel pits and in local underground
- 3 aguifers, advanced water treatment, and the purchase of
- 4 existing agricultural water rights.
- 5 Assisting me this evening is Andrea Parker,
- 6 from URS Corporation. She's with the Corps' consultant
- 7 firm.
- 8 Before I proceed to do what we have to do Page 3

- 9 tonight, I need to know if there are elected officials
- 10 or their representatives here who wish to be recognized.
- 11 If you're an official from either city or county
- 12 government, I'd like to you stand up, if you would, and
- 13 just identify yourself, just so I know where you are.
- 14 And we'll start off with your comments first, okay? So
- 15 we're going to make sure that those are primarily in
- 16 order.
- 17 This hearing's being recorded by Carla
- 18 Capritta, right here, of the firm Atkinson-Baker.
- 19 She'll be taking verbatim testimony that we'll use for
- 20 the basis for the official transcript and recording of
- 21 this hearing.
- The transcript, with all written statements
- 23 and other data, will be part of the administrative
- 24 record for this project.
- 25 In order to conduct an orderly meeting, it is

- 1 essential that I have a card from anyone desiring to
- 2 speak, giving your name and who you represent. If you
- 3 desire to make a statement and have not filled out a
- 4 card, you can sure obtain one of those at the entry
- 5 tables right out the front door.
- 6 The purpose of tonight's hearing is to help
- 7 ensure that the Corps has all essential information
- 8 needed to make a decision regarding the Department of
- 9 the Army Section 404 Permit for the proposed project,
- 10 including comments on the Draft Environmental Impact
- 11 Statement that was released on October 30th, 2009.

- 12 This is part of your opportunity to provide us
- 13 with input and information relevant to the Permit
- 14 decision and to the Environmental Impact Statement. We
- 15 view this as a very important part of the decision
- 16 process and an opportunity for you to have an influence
- 17 on the decision.
- 18 Again, I appreciate everybody here tonight and
- 19 thank you for attending.
- 20 I'd like to remind you, everybody here, that
- 21 this hearing is not an open forum to discuss the Corps'
- 22 shortcomings in general. Therefore, we will concentrate
- 23 our efforts this evening on issues specific to the
- 24 Moffat Project.
- 25 Before outlining the sequence of events for

- 1 this evening's hearings, I have a few opening remarks.
- 2 I'll then outline the procedure for providing testimony.
- 3 And after that, I'll begin to call speakers to the
- 4 podium.
- 5 What we'd like to do is, either you can come
- 6 and speak here; or if you prefer, there's a couple of
- 7 microphones, and you can stand wherever you need to.
- 8 As the hearing officer tonight, my intent is
- 9 to give all interested parties an opportunity to express
- 10 their views on the proposed project freely, fully and
- 11 publicly. And it is in the spirit of seeking full
- 12 disclosure and to provide an opportunity for you to be
- 13 heard regarding the project, that we've called this
- 14 hearing. Anyone wishing to speak or make a statement Page 5

- 15 will be given the opportunity to do so tonight.
- 16 I'd like to emphasize that the Corps of
- 17 Engineers is neither a proponent nor an opponent of the
- 18 proposed action or its alternatives.
- 19 As hearing officer, my role and responsibility
- 20 is to conduct this hearing in such a manner as to ensure
- 21 the full disclosure of all relevant facts bearing on the
- 22 Permit application. A final decision on the application
- 23 will be based on evaluation of all the relevant factors
- 24 and the probable impacts, including cumulative and
- 25 indirect impacts, of the project, on the

6

- 1 public's interest.
- 2 That decision will reflect the national
- 3 concern for both the protection and the utilization of
- 4 important resources. The benefits which reasonably may
- 5 be expected to accrue from the project will be balanced
- 6 against the reasonably foreseeable detriments.
- 7 Shortly, I'll begin to call speakers by name.
- 8 And the public officials will be given the
- 9 opportunity to speak first. And if, for some reason,
- 10 that doesn't happen, I'd like to you stand up and raise
- 11 your hand, and I'll make sure that public officials are
- 12 recognized.
- 13 When I call your name, please come forward to
- 14 the podium, state your name and address; spell out your
- 15 name and street address for the recorder; and specify
- 16 whether you are representing a group, an agency, an
- 17 organization, or speaking as an individual.

Page 6

- 18 You'll be given three minutes to complete your
- 19 testimony. If you're going to read a prepared
- 20 statement, it would be appreciated and helpful if a copy
- 21 would be provided to the court reporter so that your
- 22 remarks can be translated from the copy. You can either
- 23 hand me that statement, either as you're doing it or
- 24 before; or before you leave, you can give it to one of
- 25 the people in the table out front.

- 1 After all statements have been made, if
- 2 possible, time may be allowed for any additional
- 3 remarks.
- 4 Since the purpose of this hearing is to gather
- 5 information from -- which will be used to evaluate the
- 6 project, and since our regulations prohibit open debate
- 7 between members of the audience, I must insist that all
- 8 comments be directed to me, the hearing officer.
- 9 During the hearing, I may ask questions to
- 10 clarify points for my own satisfaction. However, I will
- 11 not be responding to questions.
- 12 Speakers will be called from a list of the
- 13 registration cards.
- 14 Please remember that the speakers will be
- 15 limited to three minutes. I'll notify each speaker when
- 16 you have one minute left, by holding up this yellow
- 17 card. And I'll also make eye contact with you, if
- 18 possible. And then I'll notify you with a red card,
- 19 orange maybe, when your time's up.
- This hearing offers members of the public an Page 7

- 21 equal and open opportunity to concisely present their
- 22 views, information, or evidence. No portion of unused
- 23 time allotted to each portion may transfer to another
- 24 presenter. If we permit one speaker to stockpile the
- 25 unused time for the others, the result may be that the

- 1 hearing record will be unfairly skewed, and others
- 2 waiting to speak may be discouraged from doing so.
- 3 Should you desire to submit a written
- 4 statement for the public hearing record and do not have
- 5 it prepared, you may send it to my attention at the
- 6 U.S. Army Corps of Engineers, Denver Regulatory Office,
- 7 9307 South Wadsworth Boulevard, Littleton, Colorado
- 8 80128.
- 9 This information, as well as my e-mail address
- 10 and fax number, is contained in the handout information.
- 11 Clearly, you can grab those, if you need to, on your way
- 12 out.
- 13 We have a number of cards from people who have
- 14 indicated they would like to speak tonight, and so we'll
- 15 be taking occasional breaks during the hearing. That'll
- 16 happen every hour and a half, for about a 15-minute
- 17 break, if we need to. Then we will get back together
- 18 and continue on until we've heard all who desire to
- 19 speak. We'll be here as late as you need to tonight.
- 20 Additionally, I would point out that the open
- 21 house information is almost all closed up. Looks like
- 22 it is all closed up. For those of you who were unable
- 23 to view this information, we have a website identified Page 8

- 24 in the handout information, where you can access all of
- 25 that information.

- 1 We have two more Public Hearings; one tomorrow
- 2 night in Denver, and then also one next Tuesday night,
- 3 the 8th of December, in Keystone. You're welcome to
- 4 attend any one of those or both.
- 5 The Corps will now receive testimony.
- 6 We'll start with public officials. James
- 7 Newberry, would you find a microphone. Probably nearby,
- 8 that'll be easier. And we'll start.
- 9 JAMES NEWBERRY: Is this working okay?
- 10 James Newberry; J-a-m-e-s, N-e-w-b-e-

And I'm here

- 12 representing Grand County.
- 13 What we are most concerned with in Grand
- 14 County are the effects of the additional diversions that
- 15 will be happening, especially with the rising
- 16 hydrograph, taking off the top of the hydrograph, and
- 17 taking the Fraser River down to, basically, a year --
- 18 every year, a drought year. That's our -- that's our
- 19 main concern.
- 20 Commissioner Stuart will be addressing more of
- 21 those issues as it concerns the Moffat and the Windy Gap
- 22 Firming Project.
- 23 What I would like to talk about is the process
- 24 of mitigation, outside of the mitigation that's already
- 25 been proposed and that you had up on your displays back

- 1 here. And those are negotiations that are ongoing with
- 2 Denver Water and Northern Water Conservancy District.
- To their credit, they are not only looking at
- 4 the impacts of the firming projects that are on the
- 5 table now, but also looking at some of the past projects
- 6 and how we can enhance or make the streams and rivers in
- 7 Grand County better now than they were when we started
- 8 this process. If we could do that, that's -- that's
- 9 somewhat of a win for -- for both of us.
- 10 Grand County's main focus is protecting the
- 11 resource, and it is the water that we are trying to
- 12 protect. So if we can work together in that and have
- 13 the Corps of Engineers, which, I understand, is also
- 14 involved in the Windy Gap Firming Process and the 404
- 15 part, but your being the lead agency here, tying those
- 16 two together.
- 17 And if we could come up with a plan that works
- 18 well for all of us; if we could incorporate that and
- 19 have that or at least have -- have you there at the
- 20 table to help pull that plan into place, and either
- 21 working through IGAs or some type of incorporating into
- 22 the permitting, making sure that we have something that
- 23 we can put in; as much as we can, look down into the
- 24 future and protect this resource for as long as we can,
- 25 because that is our ultimate goal here.

- 12-02-2009_Inn at Silver Creek_HEARING.txt So I will yield the rest of my time to 1 2 Commissioner Stuart, who will talk about the cumulative 3 impacts. 4 MR. FRANKLIN: Great, thank you. Go ahead, 5 ma'am, Ms. Stuart. 6 NANCY STUART: Nancy Stuart, S-t-u-a-r-t; 7 Nancy, N-a-9 We have a lot of concerns because Northern is also proposing a firming project, which will take more 10 11 water from the Colorado. And where the water leaves here is where it literally begins, so it affects our 12 13 rivers and streams from in the mountains to where they 14 leave our county. And we already feel like our streams have been degradated, our lakes. And with more water 15 16 leaving, it can only get worse. 17 So our concerns are to keep healthy streams and lakes for the people of our nation and the world to 18 enjoy; not just we, who are lucky enough to live around 19 20 here. We have been in negotiations with Denver and Northern both, and we're hoping that we can work out 21 22 something that will be pleasing to both of us, but our 23 concerns are really to protect what we have left. 24 MR. FRANKLIN: Thank you, ma'am. 25 NANCY STUART: And I'd like to mention that --
 - 12
 - 1 that we have put together a stream management plan. It
 - 2 was based on science and what makes a healthy stream and
 - 3 healthy fish, so we figure that it's science driven.

- $$12\text{-}02\text{-}2009_{\rm Inn}$$ at Silver Creek_HEARING.txt And we would like to implement this plan with both 4
- firming projects, in order to re-create healthy streams 5
- and rivers here. 6
- 7 MR. FRANKLIN: Thank you.
- It's Scott Linn? Is that -- are you Scott? 8
- 9 GARY BUMGARNER: No, I'm Gary Bumgarner. I'm
- 10 the third commissioner.
- 11 MR. FRANKLIN: Let's just --
- 12 GARY BUMGARNER: I'm not on the list.
- 13 MR. FRANKLIN: Let me just make sure I've got
- 14 your card here.
- 15 GARY BUMGARNER: You don't. I didn't put one
- in. My spelling is B-u-m-g-a-r-n-e-r. 16
- 17 I'd like to give a little history. I'm a
- fourth-generation rancher, or my family is. I guess I'm 18
- only fourth generation of that. But before these water 19
- 20 projects started in the Kremmling area, when my mother
- was a little girl, you couldn't -- she lived up the Blue 21
- 22 River. She couldn't go to Kremmling in -- probably from
- 23 the middle of June, first of June, to sometime in July,
- 24 because that whole valley was covered with water.
- 25 So my point is, there is very much of a
 - 1 cumulative impact. At one time that river run free and
 - full. Some of our ranchers, here in the back, that's 2
 - 3 how they irrigated. And as each one of these projects
 - 4 has come to pass, the water table has dropped farther
 - and farther. 5
 - 6 We have a rancher here. I don't know if he's

```
12-02-2009_Inn at Silver Creek_HEARING.txt
     going to talk tonight. But where he hays, he goes down
 7
 8
     in holes far enough down that he can't see out. If you
 9
     go down by the highway, you can't see him down there
10
     haying.
               So we've got project after project, and it's a
11
     cumulative impact. And I would ask that Northern and
12
13
     Denver projects, that you look at that together and see
14
     what's happened with that. We have moss growing in the
     river, where farmers can't get their water out, that
15
     they're adjudicated. And those -- those issues need to
16
17
     be addressed.
18
               And I appreciate the Corps taking the fair and
19
     objective view in hearing all sides of that. Yes,
20
     Denver needs water, but Grand County needs to be made
     whole. And I think we're starting from a negative
21
22
     point, so some of the past seems to need to be
23
     rectified.
```

- 24 I appreciate your time.
- 25 MR. FRANKLIN: Thank you, sir. Gary, if you

- 1 would, make sure you fill out a card.
- 2 GARY BUMGARNER: Sure.
- 3 MR. FRANKLIN: We just want to make sure we
- 4 know that we correlate your comments with a card.
- 5 That'd be great. On your way out.
- Is there another official, I'm told, that
- 7 maybe did not fill out a card? Cards are not key, but
- 8 we're trying to make this as orderly as we can here.
- 9 Okay. Scott Linn, please.

- 12-02-2009_Inn at Silver Creek_HEARING.txt 10 SCOTT LINN: Hi, my name is Scott Lynn;
- 11 S-c-o-t-t, L-i-n-n.
- . I also own a business in Fraser. And I'm also
- 13 a board member of the Colorado River Headwaters Chapter
- 14 of Trout Unlimited. Tonight we'd like to make a few
- 15 points regarding the Moffat Firming Project.
- No. 1: We'd like to ask for a 45-day
- 17 extension to the comment period. We feel like this
- 18 project is very serious and deserves the most time
- 19 possible to understand the 2,000-page document.
- No. 2: We feel that there needs to be more
- 21 conservation done on the Front Range, some type of a
- 22 reward to property owners for not irrigating an
- 23 unnatural grass that shouldn't be grown in Colorado.
- No. 3: We'd like to know what had happened to
- 25 the mitigation proposals that were presented to Grand
 - 1 County last spring. None of these proposals are in the
- 2 EIS. And without aggressive mitigation, we will oppose
- 3 this, vigorously.
- 4 No. 4: The Army Corps of Engineers must
- 5 acknowledge the cumulative impacts of the Windy Gap
- 6 Firming Project in correlation with the Moffat Firming
- 7 Project.
- 8 And No. 5: We feel the Corps must insist on a
- 9 plan of action if and when adverse effects become
- 10 apparent, such as sedimentation and high stream
- 11 temperatures, that we feel are -- are going to happen to
- 12 the rivers here in Grand County when this project takes

```
12-02-2009_Inn at Silver Creek_HEARING.txt
13 place.
14 Those are my comments.
15 MR. FRANKLIN: Thank you. I have one
16 question. You mentioned a meeting that was held with --
```

- 17 I think, in Winter Park. You said that there was some
- 18 mitigation issues that were not repeated. Can you --
- 19 can you just clarify what meeting that was?
- 20 SCOTT LINN: There was a meeting in Hot
- 21 Sulphur Springs last spring, I believe it was in April
- 22 or maybe it was in March, that Denver and Northern
- 23 hosted and proposed a long list of mitigation items
- 24 that -- that are not in the Draft EIS.
- MR. FRANKLIN: Thank you.

- 1 SCOTT LINN: Yep.
- 2 MR. FRANKLIN: Kirk Klancke.
- 3 KIRK KLANCKE: I'd like to turn my comments
- 4 in.
- 5 MR. FRANKLIN: Sure.
- 6 KIRK KLANCKE: They're in writing, because I'm
- 7 going to read right off of this.
- 8 MR. FRANKLIN: Okay.
- 9 KIRK KLANCKE: My name is Kirk Klancke. Good
- 10 job on enunciating it. It's K-i-r-k. Is this on?
- 11 MR. FRANKLIN: I think it is.
- 12 KIRK KLANCKE: Sure. K-l-a-n-c-k-e. I'm
- 13 going to read my comments.
- 14 First comment I would -- oh, I'm the president
- 15 of our local Headwaters Chapter of Trout Unlimited, so

- 12-02-2009_Inn at Silver Creek_HEARING.txt I'll be speaking with my Trout Unlimited hat on this 16
- 17 evening.
- I want to reiterate the time extension. 18
- 19 There's 90 days to interpret a 2,000-page document.
- 20 isn't adequate. We have some comments prepared for this
- evening. But to adequately interpret the entire Draft 21
- 22 Environmental Impact Statement, I think another 45 days
- 23 is completely reasonable.
- 24 This 90 days happens to fall during Grand
- 25 County's three largest holidays: Thanksgiving,

- Christmas, and hunting season. That really holds us up 1
- 2 on having time to interpret this, so I'd really
- 3 appreciate an extension, if at all possible.
- 4 Next I'd like to get into the impact --
- 5 impacts in here that are not addressed, in this Draft
- 6 Environmental Impact Statement. It's shamefully shy on
- both addressing some obvious impacts and addressing some 7
- needed mitigations. 8
- 9 Impacts that the Draft EIS doesn't address is
- in an incomplete doc- -- okay. Impacts that the Draft 10
- 11 ES doesn't address, and is an incomplete document until
- they are addressed, are the long-term effects of 12
- 13 eliminating high flows.
- High flows are an integral part of a river's 14
- 15 natural flow regime and serve many purposes, including
- 16 flushing sediment, shaping a healthy streambed, and
- flooding the wetlands to maintain a healthy riparian 17
- 18 environment. 90 percent of the wildlife in Colorado

```
$12\text{-}02\text{-}2009\_\text{Inn}$ at Silver Creek_HEARING.txt depend on this environment, and the U.S. Army Corps of
19
20
     Engineers has always hung their hat on protecting these
21
     wetlands. Without over-the-bank flooding, the
22
     recruitment for young cottonwoods will not take place.
23
     And when the old cottonwoods die off, we will no longer
     have this important wetlands plant.
24
25
               Is that really true? One minute?
                                                                 18
 1
               MS. PARKER: Yeah.
 2
               KIRK KLANCKE: Okay. It took a long time to
 3
     spell my name.
               MS. PARKER: I wasn't timing that.
 4
 5
               KIRK KLANCKE: Increased nutrient
 6
     concentrations. I'm concerned that Denver's going after
 7
     water in May, June, and July, right when we're flushing
 8
     our cow pastures and our golf courses. They're going to
 9
     be going into a river with lower flows. This river,
10
     because of Windy Gap, gets pumped into Grand Lake, and
     the EIS doesn't even mention Grand Lake. We need to
11
     take into consideration the fact that this is already a
12
     lake with algae and clarity problems, and we will be
13
14
     pumping a higher concentration of nutrients into it.
               Then there's cumulative effects. The Draft
15
     EIS fails to understand the -- or even mention what are
16
     the impacts of Windy Gap and Moffat Firming below the
17
18
     Windy Gap Reservoir. This section of the stream is
19
     already tremendously impaired.
               (Timer sounded.)
20
21
               KIRK KLANCKE: And you've got my words in
                                        Page 17
```

```
12-02-2009_Inn at Silver Creek_HEARING.txt
22
    writing. Thank you.
23
               MR. FRANKLIN: Thank you, sir. We'll make
24
     sure your full copy gets into the --
               KIRK KLANCKE: Thank you.
25
                                                              19
               MR. FRANKLIN: -- into the record.
 1
 2
               Rich Newton.
 3
               UNIDENTIFIED SPEAKER: He's coming back.
 4
               MR. FRANKLIN: You almost escaped.
 5
               RICH NEWTON: Yep, the process of a
     60-year-old bladder.
 6
               My name's Rich Newton, N-e-w-t-o-n. I live at
 7
                                               I have the
 9
     unique privilege to have fished the Fraser River for the
10
     past 30 years. My real concern is the degradation of
     the stream that I've noticed over that period of time,
11
12
     as more and more water has been taken out of the river.
13
     As Kirk referenced, we have algae problems. We have
     high weed growth problems. We have concentrations of
14
     nutrients, which, without the high flows that we need in
15
16
     the spring, don't get washed downstream. The weeds
17
     don't get washed out.
               This is a stream that gets, in the Fraser
18
     Canyon, a great deal of pressure from the public. The
19
20
     Colorado River at Parshall receives a tremendous amount
21
     of pressure. One of the things that this -- the Corps
22
     of Engineers needs to consider, and consider closely, is
23
     a combination of cumulative effects of the Moffat
24
     Project and the Windy Gap Firming Project. This will
```

Page 18

- 1 on the river flows and the river quality in the Colorado
- 2 River, where the public has tremendous access and makes
- 3 tremendous use of the river.
- 4 I don't have the figures on the number of rod
- 5 days that the Kemp and Breeze Units and the Williams
- 6 Fork and the Sunset properties carry every year. But I
- 7 fish there regularly, and I can tell you, it's a rare
- 8 day when the parking lots aren't at least half full.
- 9 This is a real concern. If we don't get the
- 10 flushing flows in the Fraser and Colorado which these
- 11 two firming projects tend to remove, what's going to
- 12 happen is we're going to have a tremendous amount of
- 13 algae growth and a tremendous amount of weed growth in
- 14 the river, which is going to act to the detriment of the
- 15 health of the stream and reduce the use and viability of
- 16 this very great resource to the Colorado general public,
- 17 or angling public, anyway; not to mention the fact that
- 18 these people who come contribute a tremendous amount to
- 19 the economic welfare of this county.
- 20 All of these issues need to be considered in
- 21 concert; and to take them one at a time, simply ignores
- 22 the fact that you take the water out of the Fraser and
- 23 start pumping it up through Windy Gap, you have -- you
- take the water out of the Moffat system, there's less
- 25 water in the lower Colorado, no question. These two

- 1 have to be considered together.
- 2 Thank you.
- 3 MR. FRANKLIN: Thank you, sir.
- 4 Clint Roberts.
- 5 CLINT ROBERTS: My name is Clint Roberts.
- 6 MR. FRANKLIN: A little bit -- a little bit
- 7 closer to the microphone.
- 8 CLINT ROBERTS: My name is Clint Roberts;
- 9 C-l-i-n-t, R-o-b-€

I'm here representing

- 11 the Grand County Democratic Party. I'm the chairman.
- 12 Within our party, we have a party platform plank of
- 13 urging the disallowing of any further diversions from
- 14 the Fraser River.
- 15 I have a short speech. I am a third-
- 16 generation Grand County native, and I'm speaking tonight
- in honor of my grandfather, who came to the Fraser
- 18 Valley to work in the building of the Moffat Tunnel in
- 19 1923. He taught me to fish on the free-flowing shores
- 20 of the Fraser River. He imparted to me a great respect
- 21 and reverence for our natural environment that we once
- 22 had in the Fraser Valley.
- 23 My father grew up in Fraser, graduating Fraser
- 24 High School in 1946. He told me of his memories of a
- 25 free-flowing Fraser River before the diversion of the

- 1 river that went into the Moffat Tunnel starting in the
- 2 1950s.

- Within my family's 88 years of history in
- 4 Grand County, we've seen the degradation of the Fraser
- 5 River ecosystem go from pure and pristine to an
- 6 ecological disaster during drought years. In honor of
- 7 my father and grandfather, I protest any further
- 8 diversion of the Fraser River and urge the Army Corps to
- 9 disallow this proposal to divert water to be
- 10 implemented.
- 11 Thank you.
- MR. FRANKLIN: Thank you, sir.
- 13 Pat Rady.
- 14 PAT RADY: Hello. Can you hear me? My name
- 15 is Pat Rady; P-a-t, R-a-d-y. I'm a resident of

My box nur

- 18 I do water quality sampling on Grand Lake, and
- 19 if anyone wants to know, Grand Lake is degrading at a
- 20 rapid rate, and it's frightening to me. I've been doing
- 21 this since 1996, and we have records going back even
- 22 farther than that. Grand Lake must be part of this EIS
- 23 study because the way systems are working now, it's all
- 24 interconnected.
- 25 Grand Lake was originally, and now it is,

- 1 Colorado's largest natural lake. It was fed by two
- 2 streams, the North Inlet and the East Inlet. Those come
- 3 directly from Rocky Mountain National Park. That is all
- 4 clear, good water. Now, with Windy Gap project, the
- 5 water is coming from the Fraser River, which now, you're Page 21

- 6 telling me, is going to be perfectly -- not even a
- 7 stream anymore. And then that ugly water's going to end
- 8 in Windy Gap. It's going to go through the project, up
- 9 to Grand Lake. It just has to be considered as part of
- 10 the project.
- 11 The Water Quality Control Division has set a
- 12 clarity standard for Grand Lake of 14 meters -- 14 feet.
- 13 Not 14 meters, that would be wonderful. 14 feet. We
- 14 cannot have any further degradation of Grand Lake, and
- 15 this project -- I empathize with the people in Fraser.
- 16 I understand the problems with fishing and everything
- 17 else. But you have to look at this as a countywide
- 18 problem, not just a problem of the impacts on the Fraser
- 19 River.
- Thank you.
- MR. FRANKLIN: Thank you, ma'am.
- 22 Richard McQueary. I didn't butcher that, did
- 23 I?
- 24 RICHARD McQUEARY: Not bad.
- MR. FRANKLIN: I'm sorry. Forgive me.

24

- 1 MR. McQUEARY: My name's Richard McQueary;
- 2 R-i-c-h-a-r-d, M-c-Q-u-e-a-r-y. My family came into
- 3 Grand Lake in 1861, and I think I'm either seventh
- 4 generation or however many there are. I grew up on the
- 5 Williams Fork River, and I saw the Williams Fork, as a
- 6 child, when it was really a roaring river in the spring.
- 7 I now Time I now

I'm on the board of the Greater Grand Lake
Page 22

- 9 Shoreline Association.
- 10 I've been listening to all the comments. I
- 11 agree with the importance of looking at what the
- 12 degradation of the Fraser River is going to do as it's
- 13 combined with the Windy Gap Project and then pumped into
- 14 the Shadow Mountain petri dish, we call it, where the
- 15 algae and bacteria grow; and then pumped through the
- 16 Grand Lake, into the tunnel, Adams Tunnel.
- 17 My grandfather was married in Grand Lake in
- 18 1908, and he told me they stood on the rocks and looked
- 19 down 60 feet and watched the fish. If you can find a
- 20 place in Grand Lake where you can look down at 16 feet
- 21 when they're pumping it, I'd be surprised.
- I was thinking today that I now understand
- 23 what the Indians felt like when they saw buffalo hunters
- 24 show up. They had the buffalo that they'd lived with
- 25 for thousands of years, provided all their needs. And

- 1 all of a sudden, some entrepreneur in New York decided
- 2 they needed buffalo robes to make a profit. And so the
- 3 protest was, "Well, wait a minute, we're eating these
- 4 buffalo." "Oh, there's millions of them, we won't
- 5 bother you." We know what happened.
- 6 The fact that Denver needs the water is based
- 7 upon the fact that they need the growth. The growth is
- 8 based upon the fact that some developer is going to open
- 9 another subdivision and needs water to grow grass that's
- 10 not native, and they want to divert the water from here
- 11 to supply that demand.

- 12 It would be my fervent wish that the Corps
- 13 would look at this as a finite resource, which is the
- 14 water up here, and say: You don't need more buffalo
- 15 robes. You wear wool or do something else.
- Thanks.
- 17 MR. FRANKLIN: Thank you, sir.
- John Enles.
- 19 JOHN EHLES: E-h-l-e-s.
- MR. FRANKLIN: E-h-l-e-s? Oh, there you are.
- 21 JOHN EHLES: Yeah, sorry about the
- 22 handwriting. My name is John, J-o-h-n, Ehles,
- 23 E-h-l-e-s.
- 24 MR. FRANKLIN: Excuse me just a minute. Is
- 25 everybody hearing this microphone okay?

26

- 1 Move a little closer.
- JOHN EHLES: Am I not close enough?
- 3 MR. FRANKLIN: The closer, the better.
- 4 JOHN EHLES: Okay. My address is

And I briefly want to speak about

- 6 a dull topic, the models for demand forecast that leads
- 7 to the need for this thing.
- 8 MS. PARKER: You need to speak up, John. We
- 9 can't hear you. You need to really --
- 10 JOHN EHLES: Still can't hear?
- 11 MS. PARKER: -- speak into that microphone.
- MR. FRANKLIN: Put your lips on that thing.
- MS. PARKER: Put your lips on it.
- JOHN EHLES: Okay.

Page 24

- 15 MS. PARKER: There you go.
- MR. FRANKLIN: That's right.
- 17 JOHN EHLES: Even closer.
- 18 MS. PARKER: Yeah, that's good.
- 19 JOHN EHLES: This feels a little
- 20 uncomfortable.
- MS. PARKER: I know.
- MR. FRANKLIN: Okay. Now your three minutes
- 23 are starting.
- 24 JOHN EHLES: I want to briefly talk about the
- 25 demand models. Also, once I got here this evening, I

- 1 learned something. I want to briefly talk about that at
- 2 the very end. So I'll try to go very quickly.
- 3 The models that are used in projecting demand
- 4 for this thing contained factors such as price; other
- 5 factors that control for, for example, the size of
- 6 properties that people put lawns on, the amount of
- 7 rainfall that falls. And in making these projections,
- 8 there have been certain assumptions made as to what
- 9 conditions will be in the future.
- 10 Based on the assumptions used in these models,
- 11 were I to put a thousand gallons of water on my Kentucky
- 12 bluegrass lawn, that would cost me a dollar
- 13 thirty-eight. If, instead of assuming it's only going
- 14 to cost me a dollar thirty-eight, but assume that, say,
- 15 it's going to cost me \$10 to waste that water on my
- 16 lawn, demand goes down by 27 percent. So based on the
- 17 models that is being used to project this thing, a Page 25

- 18 serious conservation effort can substantially reduce
- 19 demand per household. The story is the story of lawns.
- Now, another way of looking at the same thing:
- 21 If I take that model and say, "What would happen to
- 22 demand if I reduced average lawn size by a factor of
- 23 two-thirds?" the answer I get is, demand goes down by
- 24 27 percent.
- 25 I'll be sending along a written statement,

- 1 with charts and stuff like that, to support what I say
- 2 here.
- The other thing that was curious, I find very
- 4 curious, is that the projections assume that average
- 5 usage, water usage per household, remains fairly
- 6 constant between now and 2030. There was a poster in
- 7 the back of the room that said that, since 1980, the
- 8 number of customers' accounts have gone up by
- 9 33 percent, yet demand has decreased by 20 percent.
- 10 That strongly implies that average usage per household
- 11 has declined substantially since 1980. Now, this
- 12 historical fact, assuming it is a fact, is totally
- 13 inconsistent with the projections being made now.
- 14 Thank you.
- MR. FRANKLIN: Thank you, sir.
- Bob Johannes.
- 17 BOB JOHANNES: I'm Bob.
- 18 MR. FRANKLIN: You do have to put your
- 19 mouth on this --
- 20 BOB JOHANNES: This happened to me last time.
 Page 26

- 21 MR. FRANKLIN: Yeah, why don't you take it --
- 22 you can take it out of there and hold it closer.
- 23 BOB JOHANNES: I'd rather not hold it.
- MR. FRANKLIN: Okay.
- 25 BOB JOHANNES: My name is Bob Johannes,

- 1 J-o-h-a-n-n-e-s. I limited I'm here
- 2 representing myself.
- 4 that the cumulative effects analysis is substantially
- 5 less than the minimum acceptable standard; therefore,
- 6 the resulting mitigation proposals are incomplete.
- 7 Second, it's my belief that the Denver Water Board has
- 8 failed, to the extent practicable, to take steps to
- 9 avoid wetlands impact, as required by the EPA.
- 10 Let me address the cumulative effects analysis
- 11 first. Denver Water failed to describe the impacts of
- 12 80 years of diversions from the Fraser and the Colorado
- 13 River and the resulting current health. This is
- 14 essential to understanding how present and future
- 15 activities will result in cumulative effects.
- 16 Cumulative effects are important because mitigation is
- 17 to be considered for any impact disclosed in the
- 18 cumulative effects analysis, including direct, indirect,
- 19 or cumulative effects. And I refer you to the EPA's 40
- 20 Most Frequently Asked Questions, No. 19A and B.
- 21 Most disturbing to me was that I found the
- 22 effects of this project, combined with the Windy Gap
- 23 Project, lacking any discussion of impact. After four Page 27

- 24 pages of methodology, and reading the associated
- 25 appendix, I knew that the flows would be reduced both

- 1 above and below the Windy Gap Reservoir, but without any
- 2 discussion of the impact to the resource.
- If you do not accurately depict the current
- 4 health of the rivers, if you don't disclose the impact
- 5 of future planned actions, you cannot provide adequate
- 6 mitigations.
- 7 My second area of concern is the fact that
- 8 Denver Water has done little water conservation. An
- 9 analysis of their water conservation efforts is included
- 10 in Appendix A of their application, and I quote, A total
- of 1400 acre-feet from 1996 to 2000 was conservative.
- 12 Clearly, much more aggressive steps are needed, end of
- 13 quote. That's less -- that's less than 1/2 of 1 percent
- 14 of the total usage in four years they conserved. Their
- 15 total goal is less than -- is just a little bit more
- 16 than 4 percent of their total demand.
- 17 From 1985 to the year 2005, three communities
- 18 in the greater Phoenix area conserved 38 percent of
- 19 their water from the Central Arizona Project effort.
- 20 They did it because the federal government said: We're
- 21 going to cut off funding for the aqueduct unless you
- 22 have a plan. They developed a plan. Someone made them
- 23 conserve water.
- I believe the Denver Water Board is not
- 25 putting forth a practical effort because no one's making

```
1 them do it. I believe the Denver Water Board provided a
```

- 2 narrow and self-serving cumulative impact analysis and
- 3 has not taken practical efforts at water conservation to
- 4 avoid further damaging our wetlands. And I recommend
- 5 you approve the no-action proposal.
- 6 Thank you.
- 7 MR. FRANKLIN: Thank you, sir.
- 8 Tim Hodsdon.
- 9 TIM HODSDON: Good evening. My name's Tim
- 10 Hodsdon; T-i-m, H-o-d-s-d-o-n. My add
- 12 I work for a local architectural firm. I'm
- 13 also a director of a local sustainability -- sustainable
- 14 community group, called Infinite West. I'm here to
- 15 speak on their behalf on the one issue, and that is our
- 16 recommendation that we be given more time to consider
- 17 this discussion and have at least a 45-day extension.
- 18 And that's all I'll say on behalf of Infinite West.
- 19 On my own behalf, I would just like to speak
- 20 as one of those poor lost souls, second homeowner. My
- 21 first home is here and my second home is in Denver. At
- 22 first, that did not, to my mind, pose a problem in terms
- 23 of water use, until I realized that we had to maintain a
- lawn that was double the size of the house.
- 25 So our first steps were to relandscape our

```
12-02-2009_Inn at Silver Creek_HEARING.txt
```

- 1 backyard, and in doing that, we used various strategies;
- 2 hardscaping, xeriscaping, and we even have a little
- 3 grass. But we still managed to reduce our water use in
- 4 the backyard by 75 percent. And I know this because I
- 5 used it as a case study for my -- studying for my LEED
- 6 exam.
- 7 So that said, I truly believe it would not be
- 8 a difficult matter for Front Range users of water to
- 9 reduce their use significantly. And I think that, until
- 10 Denver Water and Front Range entities make aggressive --
- 11 take aggressive measures to make this happen, I really
- 12 don't think that this -- personally, that this matter
- 13 should even be discussed.
- 14 I really think it's a sign of the times that,
- 15 when faced with a question of not having enough, we look
- 16 immediately to see how much -- how much more we can get,
- 17 as opposed to seeing how we can use less. The biggest
- 18 strategy I've seen Denver Water taking is allowing
- 19 people to put a sign in their yard that says, "Use Only
- 20 What You Need."
- I think everyone knows that "what you need"
- 22 is a very subjective term, and I think we need to --
- 23 first, they need -- folks from -- who are using that
- 24 water need to be able to quantify that and to do it in a
- 25 way that makes this process seem a little more

1 meaningful.

- Thank you.
- 3 MR. FRANKLIN: Thank you, sir.

4 Scott Munn. 5 SCOTT MUNN: My name is Scott Munn, M-u-n-n; 7 Born in Littleton, Colorado, my family's had a 8 house on Grand Lake my entire life, and I've been lucky 9 enough to live here now, permanently, for ten years. 10 Unlike Rich Newton, I do catch fish on the Fraser River, 11 so . . . I'm actually going to kind of read something 12 13 and can pass this to you afterwards. 14 The impacts to Grand Lake, the Draft EIS fails 15 to mention that the dewatered Fraser River will be 16 pumped by Northern Colorado Water Conservancy District 17 through the Colorado Big Thompson Project and through Grand Lake. The additional depletion from the Fraser 18 River will come in May, June, and July. 19 20 These are the months that the Windy Gap Reservoir is pumping into the Colorado Big Thompson Project. 21 22 These are also the months that the six wastewater 23 treatment plants on the Fraser River are experiencing 24 high discharge due to infiltration, the agricultural 25 lands are flushing a year's worth of the nutrients from

12-02-2009_Inn at Silver Creek_HEARING.txt

- 1 cattle into the river, and the highest influx of
- 2 phosphorous-carrying sediment is hitting the river. By
- 3 depleting the flows in the Fraser River, the
- 4 concentration of these nutrients will be increased and
- 5 pumped directly into the three-lakes region.
- 6 Grand Lake is already experiencing high algae

```
12-02-2009_Inn at Silver Creek_HEARING.txt
7 counts and diminishing water clarity, as you heard
8 before. The Draft EIS must acknowledge the impact that
9 increasing the nutrient concentrations will have on the
10 state's largest natural lake, our crown jewel of Grand
11 Lake.
```

- 12 Thank you.
- 13 MR. FRANKLIN: Thank you, sir.
- 14 (Inaudible comment from unidentified speaker.)
- MR. FRANKLIN: Did you want that for the
- 16 record?
- 17 Andy Arnold.
- 18 ANDY ARNOLD: I'm Andy Arnold. I live in
- 20 Where to start. I don't want to repeat all
- 21 the things that have been said tonight, which I
- 22 basically concur with. As I was leaving the house
- 23 today, my wife stopped me and said, "Hey, did you read
- 24 this editorial in today's paper," in the Sky-Hi News.
- 25 And I hadn't, until I got down here. That is an
- 1 excellent editorial, and I would like to, if it hasn't
- 2 already been done, have that put into the record.
- 4 more than 30 years. We lived in Denver for quite a
- 5 while. I can remember the controversy over Stronti --
- 6 MR. FRANKLIN: I'm sorry, a little closer to
- 7 the mic.
- 8 ANDY ARNOLD: I'm sorry. I'm trying to
- 9 talk to the audience.

12-02-2009_Inn at Silver Creek_HEARING.txt MR. FRANKLIN: It's hard, I know. Why don't 10 you look at me, and I'll look at them, and we'll be in 11 12 concert. 13 ANDY ARNOLD: That's fine. Anyway, my basic 14 comments are pretty much a rehash of what we've been saying for 35 years. And I think that the whole premise 15 16 that the Water Board is using to say, "We have to have 17 more water," is just utterly absurd. 18 What's the purpose? We have to have more 19 water so that we can grow, we can get bigger. Who in 20 their right mind would think that any community along 21 the Front Range has to grow and get bigger and get more 22 traffic and all that junk? Now, I was in Denver 23 yesterday, creeping along in the traffic. 24 Our family, my grandfather, came here probably

in the late 1870s, 1880s. He had a farm up northeast of

25

12

36

Greeley that he irrigated. That water, some of it, I'm 1 sure, came from the Grand Ditch. I recognize the need 2 for irrigation water, so what are we -- I'm kind of 3 4 speaking, really, as though I'm from Denver. What in 5 the world are we doing? We're destroying all that irrigated farmland to feed this cancerous growth. 6 7 And to my way of thinking, that is really what we're talking about, is a cancer that's growing across 8 9 Colorado. The lifeblood of any cancer is its blood 10 supply, and water is the blood supply here. I've been in conversations with Denver Water 11

and some of these other things, and engineers or

```
12-02-2009_Inn at Silver Creek_HEARING.txt
```

- 13 whatever, who are saying: Oh, the growth is coming;
- 14 we're going to have growth, no matter what. Well, I
- 15 think that's a bunch of bull. Who's going to build
- 16 where you don't have water? And we keep trying to get
- more and more, and in the process we destroy the very
- 18 things that most of us like about Colorado. And you --
- 19 everybody's been talking about it. There's fishing,
- 20 there's kayaking.
- 21 And by the way, I used to be a kayaker.
- 22 Fraser Canyon's a great place to run in the spring. And
- 23 when this happens, it won't be anymore. That will be
- 24 the end of it. There's only two or three months, May
- 25 June, and July. And it's great boating.

- 1 But anyway, that's basically what I have to
- 2 say. Thanks.
- 3 MR. FRANKLIN: Thank you, sir. And, yeah, why
- 4 don't you -- I tell you what I'd recommend.
- 5 ANDY ARNOLD: Sure.
- 6 MR. FRANKLIN: If you would follow this young
- 7 lady out here, Rachel, she'll -- take that with you, and
- 8 then make sure your name is connected with that
- 9 editorial, that'll help.
- 10 ANDY ARNOLD: Sounds good.
- 11 MR. FRANKLIN: Okay. Judy Burke.
- 12 JUDY BURKE: My name is Judy Burke. That's
- 13 spelled J-u-d-y, B-u-r-k-e. My residence ■

I'm here this

15 evening representing the Town of Grand Lake. I am their

- 16 mayor.
- 17 Our citizens have already this evening
- 18 expressed most of the interests that I believe the town
- 19 of Grand Lake has in this project, and that is that this
- 20 project is not good for Grand County. It depletes our
- 21 streams. It adds nutrient -- nutrients to our waters.
- 22 And it is making the largest natural lake in Colorado a
- 23 sludge bed. It's because we have algae, it's because of
- 24 the reduced stream flows, that we are experiencing these
- 25 problems.

- 1 Grand Lake is a crown jewel, as has already
- 2 been said, of Colorado; not only of Grand County, but
- 3 the entire citizenry of Colorado. And they need to be
- 4 concerned that it is being depleted.
- 5 But I speak, too, from the heart about what
- 6 it's doing to our community. We are a small community
- 7 of 469 permanent residents. Many of our second-home
- 8 owners, of which we have about 80 percent of our
- 9 population, come from the Front Range. What will they
- 10 do if our lakes are so polluted that they cannot
- 11 recreate in our area?
- 12 But this degradation of the lakes and the
- 13 water in Grand County also affects our quality of life.
- 14 You have already heard, this evening, of the people who
- 15 have been around Grand Lake for many, many years. I've
- only been here 33 years, and some day I'll get into the
- 17 newcomers club.
- 18 But this degradation also affects our -- our

```
12-02-2009_Inn at Silver Creek_HEARING.txt economy. Our economy is tourist based, and when the
```

- 19
- 20 tourists refuse to come to Grand Lake because of the
- 21 quality of the water, then our economy suffers. Our
- 22 health suffers because we cannot use the waters of Grand
- 23 Lake.
- 24 Grand Lake is a jewel. It is something to be
- 25 protected and to be kept for future generations.

- 1 Thank you.
- 2 MR. FRANKLIN: Thank you, ma'am.
- 3 JUDY BURKE: Um-hmm.
- MR. FRANKLIN: Ellis Buhire (phonetic). Thank 4
- 5 you for spelling that phonetically for me.
- 6 ELLIS BUHIRE: Good evening. I'm a relative
- 7 newcomer here, now a permanent resident. I feel very
- 8 fortunate to call this place my home.
- 9 There's nothing that I can say any better than
- all the people that I've been listening to tonight. 10
- Their concerns, their historical perspective, I can't 11
- match. I have had the pleasure of coming up here on 12
- 13 vacation over a few years. I certainty trust the people
- 14 that you've heard tonight and would only want you to be
- sure to read their transcripts. 15
- And so all I can offer tonight is one thought, 16
- and I would like it to get through in transcript form, 17
- 18 that someone at the Corps of Engineers -- I'm just
- 19 asking, I'm pleading -- that they take the time to be
- the first person to stand up and say, "Yes, we were 20
- 21 hired to review the situation. We have done a good job

```
12-02-2009_Inn at Silver Creek_HEARING.txt
```

- in making our maps and doing our models and our studies.
- 23 But in some way or another, when you look deep
- 24 underneath the cover, you realize that it's just a
- 25 justification for something that's wrong."

- 1 So I'm asking that, in the transcript, that it
- 2 comes through that I've asked, on behalf of everyone
- 3 else, for somebody at the Corps of Engineers to be the
- 4 first person to stand up and say, "It's not right. It
- 5 needs to be changed. I cannot go through with it."
- 6 Thank you.
- 7 MR. FRANKLIN: Thank you, sir.
- 8 Mike Wageck.
- 9 MICHAEL R. WAGECK: Good evening. First of
- 10 all, I'd like to thank everybody for coming out tonight.
- 11 This is a big deal. It's an important meeting.
- MS. PARKER: Closer to the mic.
- 13 MICHAEL R. WAGECK: Sorry.
- 14 MR. FRANKLIN: Mr. Wageck, if you could say
- 15 your name, spell it, and then your address, and then
- 16 proceed.
- 17 MICHAEL R. WAGECK: Okay. My name's Michael
- 18 R. Wageck; Michael, middle initial R, last name
- 19 W-a-g-e-c-k.
- 20 Can you hear me? Can you hear me?
- MR. FRANKLIN: There we go.
- 22 MICHAEL R. WAGECK: Do I need to start again?
- THE REPORTER: No.
- 24 MICHAEL R. WAGECK: Okay. I've been involved

- 1 beginning, about four or five years. And initially the
- 2 Army Corps of Engineers said that there was no issues to
- 3 Grand County or the Fraser River, there was no impacts,
- 4 because there was no construction over there; there were
- 5 no impacts to Grand County. Our county government had
- 6 to jump up and down, scream and holler, just to get a
- 7 place at the table. And looking at the Draft EIS right
- 8 now, I see that there's still minimal or no impacts
- 9 listed to the Fraser River.
- 10 Now, the Fraser River's already in trouble.
- 11 We have temperature problems, low flows, all kinds of
- 12 things, so how can you take more water and say that
- 13 there's -- there's no impacts? I believe the year 2016,
- 14 using that as a baseline, doesn't really make a lot of
- 15 sense. The baseline should be like 1900, before any of
- 16 these diversions took place, and see how much the water
- 17 in the river's been impacted since then.
- 18 As a manager of the water and sanitation
- 19 district, I find myself looking for the same things that
- 20 Denver Water's looking for in this project: More water,
- 21 more reliability, more flexibility. I think those are
- 22 the things that they say is the purpose and need, in the
- 23 Draft EIS.
- Now, Denver Water's offered up a bunch of --
- 25 several enhancements, or I think they used the term

- 1 "mitigations," and they list the things that they felt
- 2 that can help the Fraser River. Now, I'll bet many of
- 3 you haven't heard much about that. But Denver is
- 4 saying, if they -- you know, we can work out a deal on
- 5 these enhancements, then we should not, you know, argue
- 6 about the project and let the project go ahead.
- 7 Not that I don't trust Denver Water, but --
- 8 but these -- you know, these enhancements are not tied
- 9 to your permitting process, right? They're not listed
- 10 in the Draft EIS. They're not part of the process. And
- 11 I'd like you guys to hold up giving this permit, issuing
- 12 this permit, until we have an agreement with Denver
- 13 Water for these enhancements.
- 14 Now, we're kind of stuck between a rock and a
- 15 hard place here. We do have a river that's hurting
- 16 right now. You want to take more water from it. And if
- 17 we don't get these enhancements, the no-action
- 18 alternative is going to be even worse. The no-action
- 19 alternatives is the worse thing that can happen to the
- 20 Fraser, while taking more water and be on restrictions
- 21 and cut into the bypass levels, and we'll have even less
- 22 water. The river's in danger right now, so it doesn't
- 23 make sense that we could completely take the water out
- 24 of the river without causing any kind of impacts that
- 25 need to be made.

- 1 We're going to be putting -- my district's
- 2 going to be putting together a written comments on this Page 39

- 3 project. We only have until January 28th. I'd like to
- 4 ask you to stand down. You know, we have to have
- 5 hunting season and Christmas, all that in this 90 days.
- 6 I'm sure that wasn't thought about when you thought this
- 7 out.
- 8 But anyway, I just want to have these
- 9 enhancements agreement with Denver, these enhancements
- 10 that'll help us with our river, before this project
- 11 proceeds.
- 12 That's all I have. Thanks everybody again.
- 13 MR. FRANKLIN: Thank you, sir.
- 14 Gary Redfield.
- 15 GARY REDFIELD: My name is Gary Redfield.
- 16 That's G-a-r-y, R-e-d-f-i-e-l-d. And I pick up my mail
- I know you folks don't want to answer any
- 19 questions, so I'll throw a rhetorical one out first.
- 20 This is for Scott and Andrea, at the table, and all the
- 21 folks that don't live in Grand County. If you had the
- 22 opportunity to live with a beautiful river in your
- 23 backyard, wouldn't you fight to save every stinkin' drop
- 24 of water in that river?
- I have lived in Grand County for 31 years. I

- 1 live on the Fraser River, in Fraser. I've heard some
- 2 really bad ideas over the years, but this idea to kill
- 3 the Fraser River for your future growth is the worst I
- 4 have ever heard.
- The Front Range is wasting the water out of Page 40

- 6 the Fraser River. The Front Range needs to cut down on
- 7 their water use. We could start out with green lawns; a
- 8 law to reduced the size of lawns to 200 square foot per
- 9 family would do a big job down there. It would be just
- 10 about enough to lay on.
- 11 You have no idea how it feels when we go down
- 12 to Denver and we see all of the water from the Fraser
- 13 River running down the gutters on a hot summer day. I
- 14 personally have more respect and empathy for the few
- 15 fish left in the Fraser River than all the people on the
- 16 overgrown, overused Front Range. We live here because
- 17 we want to, not because we have to.
- Thank you.
- 19 MR. FRANKLIN: Thank you, sir.
- 20 Dennis Saffell.
- 21 DENNIS SAFFELL: Hey, that's going to be a
- 22 hard act to follow. There's a whole bunch of people
- 23 around here that are going to be surprised if I only
- 24 talk for three minutes, and can't believe I need a
- 25 microphone.

- 1 I've been here -- oh, Dennis Saffell. It's
- 2 D-e-n-n-i-s, Saffell, S-a-f-f-e-l-l.
- 4 I've been in the real estate business here for
- 5 27 years, almost three decades. I've been working
- 6 around, near, over, the Denver Water Board. I'm here to
- 7 tell you the truth about the Denver Water Board.
- 8 No. 1: They are very, very bad stewards of Page 41

- 9 the land. They purchased land in Grand County to skim
- 10 off the water and left most of it unmanaged. They took
- 11 it out of production for agricultural purposes. They've
- 12 gone through their land and our national forests and cut
- 13 massive amounts, hundreds of miles, of roads.
- 14 When I develop or build a road, I have to
- 15 adhere to very strict standards for grade, erosion
- 16 control, culverts, ditch, detention bonds. They
- 17 apparently don't have to play by any of those rules.
- 18 The Water Board roads that are all over our hillsides
- 19 are all eroding. When they have massive erosion, they
- 20 just take another truck up there and pile some more dirt
- 21 on it. All that dirt is ending up in our tributaries
- 22 and in our rivers. Again, terrible stewardship of the
- 23 land.
- 24 They've got thousands of acres of unmitigated
- 25 ether -- I'm sorry, beetle kill; again, a fire waiting

- 1 to happen. And if that happens, there's going to be a
- 2 tremendous amount of erosion, again, into the river.
- 3 The Denver Water Board is also extremely bad
- 4 stewards of the water. As you just heard, yeah, we all
- 5 get tired of going and seeing sprinklers watering
- 6 concrete and miles of bluegrass growing in Denver, but
- 7 there's even bigger waste. Their ditch system is --
- 8 ditch collection system is broken. It's leaking badly.
- 9 I developed the Lakota subdivision. I can
- 10 tell you that the entire ditch system is leaking, if it
- 11 hasn't already been lined and capped, covered. And Page 42

- 12 there's a massive amount of evaporative loss. When I
- 13 build a pond in a subdivision, I have to pay for that
- 14 evaporative loss, buy the water to replace it.
- 15 Apparently, they don't. There's springs sprouting out
- 16 all over the mountainside below their ditches, and all
- 17 that water's just evaporating as it goes down the
- 18 mountain.
- 19 They -- to fix those ditches is \$300 a foot.
- 20 That's expensive. The Water Board would rather rape the
- 21 Fraser River than spend \$300 to fix the ditches. If
- 22 they'd fix the ditches, they wouldn't need one more drop
- 23 of water.
- Thanks.
- 25 MR. FRANKLIN: Thank you, sir.

- 1 Todd Conger.
- TODD CONGER: Good evening. My name is Todd
- 3 Conger, and it's T-o-d-d, C-o-n-g-e-r. My address is
- 5 I just have a few questions. As a water
- 6 operator, I've worked in this valley for about 14 years.
- 7 And what do we get? There's -- there's a benefits
- 8 package in here, but there's nothing for us.
- 9 Okay. When the water runs out, will Denver
- 10 take all of it; when there's no flow, when we have a
- 11 drought? The EIS needs to state that Denver can only
- 12 take a certain percent of the flow any given day. If
- 13 the flow is, oh, 3,000 gallons, take 10 percent of that.
- 14 If the flow is, say, 10 cubic feet per second, how much Page 43

- 15 of that can you take, and leave us with nothing?
- 16 If this project goes, I doubt anyone even here
- 17 knows how much an acre-foot of water is. A cubic foot
- 18 of water is 7.46 gallons. An acre is 43,560 square
- 19 feet. If you take square foot times foot, you end up
- 20 with about 380,000 gallons per acre-foot.
- 21 Now, you guys are saying on here, or Denver
- 22 is, that they want 18 acre -- 18,000 acre-feet. And
- 23 then they're going to take 34,000 acre-feet more.
- 24 That's 48,000 acre-feet. That's a lot of water. I
- 25 don't think the Fraser has that much in it now.

- 1 Also, who's going to listen to all these
- 2 comments? Is -- is this the Army Corps of Engineers'
- 3 job to sort through this and make a decision for the
- 4 Denver Water Board?
- 5 Why do you need more? That's a big question.
- 6 Don't you think that, in an arid climate with a desert
- 7 atmosphere, you should consider looking to the ground
- 8 and say, "Jeez, there's no more water"? The Ogalalla
- 9 Aguifer isn't half of what it was 20 years ago.
- 10 I had a reliable source tell me 14 years ago,
- 11 when I first went to school to be a water operator, that
- 12 Denver Water produces about 25 million gallons of water
- 13 a day, and they lose 5 million gallons of water under
- 14 the city alone. There's -- there's a lot of loss there.
- 15 Come on, Denver Water should bone up and put some money
- 16 back into their system down there. They can subline all
- 17 those pipes in Denver and save that water.

- 18 I got a couple more comments. I'm going to
- 19 just give this to you, because I think every question
- 20 that any of my friends put on here and I put on here is
- 21 relevant.
- 22 And I think that Denver needs to curb its
- 23 growth, as America does. How are we going to feed
- 24 ourselves?
- 25 MR. FRANKLIN: Thank you. Will you make sure

49

- 1 name's on here?
- TODD CONGER: I put -- yeah, I put it on there
- 3 and circled it.
- 4 MR. FRANKLIN: Thank you, sir.
- 5 Ray Miller.
- 6 RAY MILLER: My name's Ray Miller. I reside

It's been my

- 8 home base for over 30 years.
- 9 During that time, I've worked as a wilderness
- 10 ranger for either the U.S. Forest Service or National
- 11 Park Service in about 15 wilderness areas, virtually all
- 12 the wilderness areas from Comanche Peak and Rocky
- 13 Mountain National Park to the Raggeds beyond Marble and
- 14 Redstone. During that time, I've personally witnessed
- 15 the relentless degradation of the Colorado River system.
- 16 Transversion projects impact almost all of the
- 17 tributaries in all those mountain headwaters areas of
- 18 the Colorado River, to the detriment of the entire
- 19 system. Some of the most profound impacts are right
- 20 here in Grand County.

- I noticed that this project makes no mention
- 22 of, for example, the horrendous degradation of the upper
- 23 Williams Fork. I suspect that I'm one of only about a
- 24 half a dozen people that have ever even witnessed those
- 25 impacts, because they're inaccessible to most people,

- 1 unless you're a pretty hardcore backcountry adventurer.
- 2 Colorado River water is already overallocated,
- 3 and the existing diversions have already had a
- 4 devastating impact on the watershed, most of its
- 5 riparian zones, marine ecology, and physiography. This
- 6 profound alteration of this watershed has been
- 7 institutionalized so long that East Slope development
- 8 interests have come to view it as a given. It's been
- 9 going on so long that we've lost sight of how
- 10 environmentally and ecologically valuable this watershed
- 11 is in its natural state.
- 12 The notion that further East Slope growth and
- development should be facilitated by additional
- 14 diversion is fundamentally flawed. The benefits of
- 15 transversion pale in comparison to the benefits of
- 16 sustaining this native ecosystem. I, for example, would
- 17 suggest that Grand Lake is the highest-value aquatic
- 18 body in the entire central Rockies, and it has already
- 19 suffered tragically from impacts that have previously
- 20 been referenced.
- 21 Sustaining natural flows in the Colorado River
- 22 is far more important than diversion that promotes the
- 23 extensive artificial landscaping of nonnative species Page 46

- 24 that is prevalent in the East Slope communities that are
- 25 demanding this water. Natural flows in the river are

- 1 also more environmentally essential than many other
- 2 frivolous uses of water in these communities that
- 3 diversion facilitates.
- 4 Rapidly diminishing clarity of Grand Lake,
- 5 rising temperatures in the rivers, increased nutrient
- 6 levels, and other symptoms are the canaries in the coal
- 7 mine that this marine ecosystem is approaching
- 8 critical-stress thresholds. We cannot afford additional
- 9 diversions at this point in its natural history.
- 10 The analysis fails to consider the inevitable
- 11 consequences of climate change, which will exacerbate
- 12 the impacts. The time has come that we recognize and
- 13 acknowledge that any new diversion schemes are
- 14 environmentally, ecologically, culturally, economically,
- 15 and morally wrong.
- 16 MR. FRANKLIN: Sir, if you could wrap up your
- 17 comments, that'd be great.
- 18 RAY MILLER: Okay. The East Slope must
- 19 resolve its relationship, on its own turf, to a
- 20 fundamental change in its lifestyle and cultural
- 21 paradigm. There is vast opportunity here to reduce
- 22 consumption and waste, that must be implemented in lieu
- 23 of additional diversions.
- 24 The Colorado River is one of the most
- 25 important natural ecological systems in North America

- 1 and the world. The environmental impacts of this
- 2 diversion proposal cannot, in reality, be mitigated,
- 3 notwithstanding the rhetoric in the document. As a
- 4 society we cannot tolerate further degradation. We have
- 5 to look beyond the economics the East Slope growth, to
- 6 the wider and more important vision of regional
- 7 landscape viability and sustainability.
- 8 And I forgot to mention that my comments are
- 9 personal. They do not represent the agencies that I
- 10 referenced that I've worked for.
- 11 MR. FRANKLIN: Thank you, sir.
- 12 For planning purposes, we've got about, now,
- 13 five comments to go. So we'll probably just hear those,
- 14 and then if anybody has any closing remarks they'd like
- 15 to read, we'd accept that. So five more comment
- 16 speakers, and then we'll be done here.
- 17 Mara Kohler.
- 18 MARA KOHLER: My name is Mara, M-a-r-a,
- 19 Kohler, K-o-h-l-e-r. Can you hear me? My P.O. box is

Do you need any other info?

- 21 Okay.
- Well, my front teeth are in the Fraser River,
- 23 from a long-ago kayak adventure. And now it seems like
- 24 our future rests there too. Fraser's our backyard, our
- 25 cherished river that makes you flock to it at different

- 12-02-2009_Inn at Silver Creek_HEARING.txt flows: To fish; to kayak; and, in good years, to raft. 1
- 2 Our local rivers aren't just our playgrounds, but, for
- 3 many of us, the backbones of our businesses; the
- 4 sustainers of our lives here, our lifestyles; and for
- all of us, our future. 5
- 6 We hear the cry for more water. Anyone who's
- 7 lived in our beautiful state for more than a few years
- 8 or has followed the history of the West at all with Marc
- Reisner's Cadillac Desert or John Weslev Powell's 9
- earlier reports, the call for more water is no surprise. 10
- 11 It's expected, perhaps inevitable.
- 12 However anticipated, there are some huge red
- 13 flags that make this discussion so important and so
- 14 frustrating. There's illogical conclusions and
- assumptions. Ninety days is not enough time to review a 15
- 16 2,000-page report, over the busiest season of a winter
- 17 ski town. They've inaccurately narrowed the scope of
- naming the Windy Gap Firming Project. There are 18
- shortsighted gains that don't take into account the need 19
- 20 to conserve first and divert second. There are
- 21 shortsighted gains of a high impact, and a blatant lack
- 22 of mitigation.
- 23 The urgent need for adequate water supply to
- 24 support a conserving, thirsty populace is very different
- 25 than simply calling for more because one can, and then

- more and eventually more, while not only Kentucky 1
- bluegrass but sidewalks and driveways are getting 2
- 3 watered. The cost of sustaining a lifestyle of green

- $$12\text{-}02\text{-}2009_{\rm Inn}$$ at Silver Creek_HEARING.txt lawns and overwashed cars is costing the life of our 4
- fish, our natural resources, our river health and 5
- 6 ultimately our livelihoods.
- 7 The heartbreak is that, in not being the only
- 8 users, we can't be the only conservers; that no matter
- 9 how creatively and meaningfully we conserve, 60 percent
- 10 of Fraser is still diverted, with another 18,000 cubic
- 11 acres on the table -- acre-feet, sorry, 18,000 acre-feet
- 12 on the table.
- 13 As the supply of water we all depend on is
- 14 finite, simply taking more is not a sustainable
- 15 solution. Until the Moffat Firming Project includes
- real plans to capitalize on the water developed by 16
- 17 current and future conservation, detailed plans within
- the draft about mitigation measures and environmental 18
- enhancement opportunities, the recognition and 19
- 20 importance of the long-term effects of low flows for
- river health, and ultimately a wider scope of impact, 21
- including the combined effects of both the Moffat and 22
- 23 Windy Gap Firming Projects, I fail to see room for
- 24 discussion.
- 25 with both projects pending approval, the

- Colorado River, the lifeblood of the -- I'm sorry, the 1
- 2 Fraser River, the lifeblood of the West, could be
- 3 reduced 26 percent of its native flows. If we don't
- draw a line here, where are we going to draw it? How 4
- can you expect the rivers to sustain us if we choose not 5
- to sustain them? 6

- 12-02-2009_Inn at Silver Creek_HEARING.txt 7 Thank you.
- 8 MR. FRANKLIN: Thank you. Ma'am, if we could
- 9 have your report, it would be helpful to just make sure
- 10 the record is correct.
- I have one question, also. You mentioned a
- 12 2003 report. What was the name of the report or what
- 13 was that? I didn't get that. Right at the beginning of
- 14 your discussion.
- 15 MARA KOHLER: I don't think I referenced a
- 16 report. I might have been speaking indirectly from a
- 17 report.
- 18 MR. FRANKLIN: I really got it wrong, then,
- 19 didn't I?
- 20 MARA KOHLER: But I will.
- 21 MR. FRANKLIN: Yeah, if we could have that --
- 22 if we could have that information either right out front
- 23 or bring it up here.
- Okay. Is it Charlie McConnell?
- 25 CHAS McCONNELL: It's Chas McConnell,

- 1 M-c-C-o-n-n-e-l-l. I
- 2 Stop by if you ever get a chance. I've lived in the
- 3 Fraser Valley for 30 years, and I'm representing myself.
- 4 So here we are again. Last year it was Windy
- 5 Gap Firming Project. This year it's Moffat Firming
- 6 Project. I wonder who's next to ask for our water.
- 7 In the alternative analysis in the Executive
- 8 Summary, the Council on Environmental Quality
- 9 regulations require "to rigorously explore and

- 12-02-2009_Inn at Silver Creek_HEARING.txt objectively evaluate all reasonable alternatives,
- 10
- including the no-action alternative." 11
- 12 The no-action alternative assumes that Denver
- 13 Water will not receive approval to implement the Moffat
- 14 Project. The no-action alternative will require Denver
- Water to use a combination of strategies to meet the 15
- 16 need for additional water supply and impose mandatory
- 17 restrictions to help reduce need during drought periods.
- How about mandatory restrictions all the time, not just 18
- during drought periods? 19
- 20 Taking water from a natural environment to
- 21 create an artificial one makes no sense. It's ethically
- 22 and morally wrong. People in Denver don't care. They
- 23 have their green lawns.
- 24 Let's take a look at the action alternatives.
- They were all -- they will all decrease flow and reduce 25
 - sediment transportation capacity along the Fraser, 1
 - Williams Fork, Blue, and Colorado rivers. Changes --2
 - changes near Ranch Creek would have a moderate potential 3
 - 4 for increasing the frequency of approaching or exceeding
 - 5 stream standards. Flow changes would adversely affect
 - Colorado river systems endangered fish species. 6
 - 7 Wasn't the Environmental Protection Agency set
 - 8 up to protect its citizens against this exact type of
 - 9 thing?
- 10 Getting back to the alternatives analysis in
- the Executive Summary, "reasonable alternatives," as 11
- 12 defined by the Counsel on Environmental Quality, it

```
12-02-2009_Inn at Silver Creek_HEARING.txt reads: Those that are practical or feasible from the
13
14
     technical and economic standpoint and using common
15
     sense, rather than simply desirable from the standpoint
16
     of the applicants.
17
               I'm asking the Corps to use common sense.
18
     Please say no to the insanity that is the Moffat Firming
19
     Project.
20
               MR. FRANKLIN: Thank you, sir.
21
               Mitch Kirwan.
22
               MITCH KIRWAN: My name is Mitch Kirwan;
23
     M-i-t-c-h, K-i-r-w-a-n.
24
               MR. FRANKLIN: I'm sorry, a little closer, if
25
     we could. Or take that -- take the mic out. There you
                                                                  58
 1
     go.
 2
               MITCH KIRWAN: M-i-t-c-h, K-i-r-w-a-n. I'm
 3
     representing myself as well as my business, Mo Henry's
     Trout Shop, which
                                                  And I live in
 4
 6
               I would like to first request the 35-day
 7
     extension that Kirk Klancke mentioned, to further review
```

the document, extend the commentary time. 8 9 My points: The representation here today, I 10 think, is obvious; that both the Moffat Firming Project and the Windy Gap Firming Project need to be taken in 11 12 tandem. The cumulative effects need to be examined 13 together, not separately. Conservation must be explored before further diversion is -- is even considered. Real 14 15 mitigation points need to be put into the plan, instead

- 12-02-2009_Inn at Silver Creek_HEARING.txt of the window dressing we've seen so far. There must be 16
- 17 accountability in the approval process for Denver Water.
- If we do not have them accountable for the mitigation 18
- 19 points, what use is it? We need to have some teeth in
- 20 the document for them to follow through.
- One thing that I'd like to -- one point that 21
- 22 I'd like to make, that we haven't really heard yet, is
- 23 we are talking about money. Okay. Denver Water poses
- 24 as a public utility. Denver Water is a for-profit
- 25 organization. Okay. They want our water to sell.

- Okay. It's not to, you know, supply the Front Range. 1
- 2 They are selling that water.
- 3 As far as the no-action option, that is the
- 4 only one to consider, as far as what we've been offered.
- 5 My personal recommendation would be reversed action.
- I've lived here 21 years. God bless the rest of you, 6
- 7 who have lived here for a lot longer and have had to
- deal with Denver Water a lot longer than that. 8
- 9 Reversed action needs to happen, okay? We
- cannot lose our economy, our ecology. We cannot lose 10
- 11 the Fraser River. We cannot lose the Colorado River.
- Okay. Like Chas said, a hundred percent correct, you 12
- cannot forsake a natural environment for an artificial 13
- 14 one.
- 15 Thank you.
- MR. FRANKLIN: Thank you, sir. 16
- We're an hour and a half, but we've got three 17
- 18 more cards. I would like to continue on, and we'll be

```
MR. FRANKLIN: Sylvia, sorry, if we could
interrupt, would you mind coming up, right up to this --
I hate to make you walk all the way up here, but it's
hard to hear.
Thank you for that.
SYLVIA HITES: Can you hear me now? Sylvia
```

9 When I was a little girl, I had the privilege 10 of being at Grand Lake in the 1930s. It was the only lake then. And my father was a fisherman. We could see 11 12 the fish down many, many feet. It was a gorgeous lake, very pure and very clear. And over the years, I've seen 13 14 it become degradated. 15 The other thing I want to say is that I lived in Fort Collins from 1966 to 2002; saw the growth 16 happening on the Front Range; under -- came to 17 18 understand the psychology of that growth. And I think 19 it's a pity. It's a real tragedy what has happened along there, and that they are expecting to take more of 20

our beautiful water from here.

```
12-02-2009_Inn at Silver Creek_HEARING.txt I would beg Denver to please rethink their
22
23
     plans, for the concerns that all of these people have
24
     expressed, and for the knowledge that I have of what has
25
     happened to Grand Lake and how it really has become full
                                                                61
     of aquatic plants in the summers. And if more water is
 1
 2
     taken from the system, it can do nothing but get worse.
 3
               Thank you.
 4
               MR. FRANKLIN: Thank you, ma'am.
 5
               Randy Piper.
               RANDY PIPER: Thank you. I think I'll
 6
     probably speak loudly, passionately, and knowledgeably
 7
 8
     enough, I won't need to come up front there.
 9
               Name is Randy Piper, P-i-p-e-r. I live in
                                        I also own a business
11
     called GreenWay, where we market and represent many wood
12
     processors throughout the state, for beetle kill lumber
13
     and timber products.
14
               Over the course of the last six years, what I
     have learned, in studying this situation -- I have
15
     recently been a founding member of the Beetle Kill Trade
16
17
     Association as well as the Sustainable Forest Trade
     Association. I've done that because something has been
18
19
     missing here tonight, and that is the true impacts of
     this beetle kill epidemic on our water supplies, our
20
21
     forest industry, our electrical grids, our communication
22
     and roadway systems. I've been surprised that I haven't
     heard it, so I'm going to bring up a few points that I
23
```

think I'm knowledgeable enough to speak accurately

1	First of all, the Colorado River itself is the
2	most widely utilized and distributed water resource in
3	the world. It is direly threatened. Over 30 million
4	people rely on it. Headwaters, Grand Lake, Colorado. I
5	believe there needs to be a massive public relations
6	campaign, education campaign, put out to the people on
7	the Front Range and in Denver, educating them as to the
8	dire circumstances that we have, regardless of just the
9	water. There's many other factors that come into play.
LO	I've talked to people for six years. They
11	call me for two reasons: The beautiful wood; they see
12	the devastation, and they want to make use of the
L3	product. These people are concerned, but they have
L4	absolutely no knowledge of the situation that we've
L5	talked about here tonight, and especially tying in with
L6	the with the beetle kill epidemic that's taken place,
L7	which so direly threatens our tourism industry and
L8	everything else.
L9	Following that PR campaign, there needs to be
20	a tiered pricing structure put into place for the Denver
21	Water people. I also spent seven years in water
22	treatment and water purification industries. So an
23	average of 70 gallons per day, which, I believe, still
24	stands, is probably excessive; again, living in a dry,
25	arid climate. And once people understand and it starts

- 1 hitting their pocketbooks, you will see a drastic
- 2 reduction in the utilization of water. This will create
- 3 additional revenue to repair water systems many others
- 4 have spoken here about tonight.
- 5 In closing, I've already mentioned that
- 6 tourism is a tremendous revenue generator for the state;
- 7 it's second, in fact. The people that come here don't
- 8 come to Denver to take long, hot showers and run
- 9 barefoot through the lawns. They come here to the
- 10 mountains. And we already have a threatened situation
- 11 with our forests, where we've got about 3 million acres
- 12 of dead trees. Over the next 10 to 15 years, they are
- 13 predicting another 22 to 32 million acres of dead trees
- 14 sweeping throughout the West. This is going to be very
- 15 impactful on our water situation. The bottom line is,
- 16 we need to conserve, not take more.
- 17 So I would urge the Corps tonight, Denver
- 18 Water, and the people of the Front Range, to please slow
- 19 down, think about what's going on here; do not make
- 20 hasty decisions; and that first steps need to be in
- 21 conservation, not more use.
- Thank you very much.
- MR. FRANKLIN: Thank you, sir.
- I have one more card, David Lutz.
- 25 DAVID LUTZ: I'm David Lutz, L-u-t-z. I live

I don't have

- 3 card. Appreciate you taking the time to hear me.
- 4 I've owned and operated a land surveying
- 5 business in this valley for the last eight years, and
- 6 I've surveyed, literally, hundreds of miles of river,
- 7 lake, wetlands, from south, south Park County to this
- 8 county. And the taking of water for the Front Range to
- 9 water lawns and be wasted running down the gutters, I've
- 10 seen it firsthand. It is destroying our wetlands. It's
- 11 destroying our rivers, our creeks.
- 12 You know, and then you take the water, and you
- 13 take, and you take. And then, when we do have a heavy
- 14 flow because there's no vegetation growing, all it does
- 15 is ruin the riverbed, ruin the creek bed.
- 16 Denver really -- the Denver Water Board, if
- 17 they want to be serious and want to be -- you know,
- 18 they're not out there giving out water as a humanitarian
- 19 effort. They're in the business of making money,
- 20 period, just like I'm in business for making money. But
- 21 they need to actually make a concerted effort to
- 22 conserve. If they can't make people do it through
- 23 campaign efforts, I think they certainly could charge,
- 24 you know, let's -- let's start at 30 bucks a month if
- 25 you want to water your lawn, additional, on top of your

1 regular water bill. You know, people will start

- 2 thinking about using water and having Kentucky bluegrass
- 3 in a semiarid climate.
- 4 That means desert. This -- this -- this state
- 5 is a desert for long, long periods of time, decades at a Page 59

12-02-2009_Inn at Silver Creek_HEARING.txt

- 6 time. Take a geography class. It doesn't take a rocket
- 7 scientist to figure out that the use of water, the way
- 8 it's being used by the Denver Water Board, is a waste.
- 9 And they want waste because they make money. Doesn't
- 10 take a genius to figure that out, either.
- Thanks.
- MR. FRANKLIN: Thank you. Anybody else? This
- 13 is your chance to speak.
- 14 LURLINE UNDERBRINK CURRAN: My name is Lurline
- 15 Underbrink Curran; L-u-r-l-i-n-e, U-n-d-e-r-b-r-i-n-k,
- 16 C-u-r-r-a-n. I'm the county manager of Grand County,
- 17 and I've been working on water issues in Grand County
- 18 for over 25 years now.
- 19 You heard the commissioner speak when we first
- 20 started, and you need to know that they've been running
- 21 a parallel course on both of these projects. We've made
- 22 some very hard comments on the Windy Gap Project. We
- 23 intend to make comments on the Moffat Project also.
- The commissioners have spent an inordinate
- 25 amount of your tax dollars to hire professionals who

- 1 know how to dig through these mountains of paperwork and
- 2 to present comments that are applicable to the process.
- 3 And the process is very narrow. You have to provide
- 4 comments that are applicable to the process.
- I wanted to say that there isn't -- hasn't
- 6 been a lot said about the enhancement. These two
- 7 projects have allowed Grand County to come to the table
- 8 with the Denver Water Board, actually the Denver Water Page 60

12-02-2009_Inn at Silver Creek_HEARING.txt

- 9 Board and the municipal subdistrict. There are
- 10 enhancements on the table that will address some of the
- 11 concerns that have been heard this evening.
- There are also the stream management plan,
- 13 which over a million dollars of your tax money has been
- 14 paid to produce that scientifically based stream
- 15 management plan, which has flush and flows, which has
- 16 mitigation efforts in there that will improve the
- 17 stream. At least that is the commissioners' goal, to
- 18 improve the stream.
- 19 We would like to make sure that the Corps
- 20 knows about the stream management plan and understands
- 21 that it is an essential component to what the county is
- 22 looking for if these projects were to go forward.
- I want to remind everyone here, and it's been
- 24 a concern to the county from day one, the no-action
- 25 alternatives actually take more water at times than some

- 1 of the alternatives that are proposed. That's
- 2 frightening because we have no say in the no-action
- 3 alternative. So I just want to make that clear.
- 4 The commissioners are at the table, in
- 5 negotiations that, in my whole history with the county,
- 6 we have never been able to have. There are enhancements
- 7 on the table that, if are fruitful and if the projects
- 8 do go forward, may make the streams, and that is our
- 9 hope, better than they are today.
- 10 That -- that is the goal of the commissioners.
- 11 We hope that the Corps of Engineers will join in with us Page 61

12-02-2009_Inn at Silver Creek_HEARING.txt

- on the stream management plan and see how essential that
- 13 is to not only the Moffat Project, but the Windy Gap
- 14 Firming Project. We are looking at them as cumulative
- 15 impacts, whether they're shown like that in the EIS or
- 16 not. That's why the commissioners have hired the
- 17 professionals that they've hired.
- 18 Grand Lake is a huge concern to the
- 19 commissioners, and we do want to see strategies that
- 20 clear up Grand Lake back to what it was like when people
- 21 first came here and the clarity was there.
- 22 So just as a wrap-up, I want the Corps to
- 23 understand, we've given many comments, we've allowed to
- 24 be a full operating agency, we've been commenting all
- 25 along. Our comments haven't always been taken, but we

- 1 still give them. And we hope to be able to work with
- 2 the Corps and be able to come up with something that
- 3 protects all of the water resources in Grand County and,
- 4 in fact, enhances them. That's the goal.
- 5 Thank you. And thank you for everyone coming
- 6 this evening.
- 7 MR. FRANKLIN: Thank, you ma'am.
- 8 Going once. If nobody else wants to speak,
- 9 we'll close the Public Hearing.
- 10 In closing, I'd like to remind you that the
- 11 hearing administrative record will be open until
- 12 December 18. And for anyone wishing to submit written
- 13 comments, comments on the Section 404 Permit application
- 14 will be received by the Corps of Engineers until Page 62

	12-02-2009_Inn at Silver Creek_HEARING.txt
15	January 28th, 2010.
16	No further comments, the Public Hearing is
17	officially closed.
18	(The hearing concluded at 7:47 p.m.)
19	
20	
21	
22	
23	
24	
25	

REPORTER'S CERTIFICATE

I, CARLA D. CAPRITTA, Registered Professional Reporter, certify;

That the excerpted foregoing proceedings were taken before me at the time and place therein set forth.

That all foregoing proceedings were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken;

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action;

I declare, under penalty of perjury under the laws of Colorado, that the foregoing is true and correct.

Dated this 14th day of December, 2009.

Carla D. Capritta, RPR



1 secol

Public Hearing Transcript, Doubletree Denver, Denver, Colorado – December 3, 2009

1					
2					
3					
4	M	MOFFAT COLLECTION SYSTEM PROJECT			
5	PUBLIC HEARING				
6		December 3, 2009			
7			-		
8					
9					
10		DOUBLETREE DENVER			
11		3203 Quebec Street			
12		DENVER, COLORADO 80207			
13					
14					
15		Commencing at 6:03 p.m.			
16					
17					
18					
19					
20	O ATKINSON-BAKER, INC. COURT REPORTERS				
21	500 North Bra Glendale, Cal	nd Boulevard, Third Floor lifornia 91203			
22	(800) 288-337 www.depo.com	'6			
23	•				
24		Carla D. Capritta, RPR			
25	Job No.:	A30A658			
			1		
-					

- 3 gentlemen. This hearing will come to order.
- 4 Ladies and gentlemen, I'm Scott Franklin with
- 5 the Omaha District Corps of Engineers Regulatory Branch,
- 6 and the hearing officer.
- 7 Our purpose this evening is to conduct a
- 8 public hearing on a Department of the Army Permit
- 9 application received from the City and County of Denver,
- 10 Board of Water Commissioners, to whom we will refer
- 11 tonight as Denver Water.
- 12 Denver Water's proposing to construct the
- 13 Moffat Collection System Project, which we will call the
- 14 Moffat Project.
- 15 The Moffat Project includes raising Gross
- 16 Reservoir Dam, which is in the foothills approximately
- 17 6 miles southwest of the City of Boulder. Denver
- 18 Water's need for the Moffat Project is based on two
- 19 identified concerns:
- No. 1, a need for additional water supply,
- 21 and,
- No. 2, a need to improve reliability and
- 23 flexibility to Denver Water's water supply system.
- 24 Beginning in 2016, and by 2030, Denver Water
- 25 identified an annual 34,000 acre-feet per year water

- 1 shortfall in water supplies. Of this 34,000 acre-feet
- 2 per year shortfall, Denver Water expects to meet 16,000
- 3 acre-feet using additional conservation efforts. The
- 4 development of new, firm yield is necessary to meet the
- 5 remaining 18,000 acre-feet per year shortfall. The Page 2

- 6 Moffat system will also correct reliability and
- 7 flexibility concerns in the operations of Denver Water's
- 8 system.
- 9 Denver Water's preferred approach to meet
- 10 this need is to raise Gross Reservoir Dam approximately
- 11 125 feet to store an additional 72,000 acre-feet of
- 12 water. Using existing collection infrastructure, water
- 13 from the Fraser River and the Williams Fork River will
- 14 be diverted in average to wet years, and delivered via
- 15 the Moffat Tunnel and South Boulder Creek to the
- 16 existing Gross Reservoir site.
- 17 In addition to Denver Water's preferred
- 18 project to raise Gross Reservoir, the Corps will also
- 19 evaluate other alternatives Denver Water might use to
- 20 meet their needs. These include a new reservoir on
- 21 Leyden Creek in Jefferson County, additional water
- 22 stored in local gravel pits and in local underground
- 23 aquifers, advanced water treatment, and purchase of
- 24 existing agricultural water rights.
- 25 Assisting me tonight is Andrea Parker from URS

- 1 Corporation. She's the Corps' consultant and the
- 2 project manager for URS Corporation.
- Before I proceed tonight, do we have any
- 4 elected officials or other representatives here who wish
- 5 to be recognized? Any public officials?
- 6 Okay. Is it just -- just the one, the mayor?
- 7 Okay. We're going to try to get you up first, then, if
- 8 we can.

- 9 This hearing is being recorded by Carla
- 10 Capritta of the firm Atkinson-Baker. Atkinson-Baker
- 11 will be taking verbal verbatim testimony, which will be
- 12 the basis for the official transcript and record of this
- 13 hearing.
- 14 This transcript, with all written statements
- 15 and other data, will be made part of the administrative
- 16 record for this project.
- 17 In order to conduct an orderly hearing, it is
- 18 essential that I have a card from anyone desiring to
- 19 speak, giving your name and who you represent. If you
- 20 desire to make a statement and have not filled out a
- 21 card, please obtain one from the entry table just
- 22 outside the front door.
- The purpose of tonight's hearing is to help
- 24 ensure that the Corps has all essential information
- 25 needed to make a decision regarding the Department of

4

- 1 Army Section 404 Permit for the proposed project,
- 2 including comments on the Draft Environment Impact
- 3 Statement that was released on October 30th, 2009.
- 4 This is part of your opportunity to provide us
- 5 with input information relevant to the Permit decision
- 6 and Environmental Impact Statement. We view this as a
- 7 very important part of the decision process and an
- 8 opportunity for you to have an influence on the
- 9 decision.
- I want to thank you for attending tonight. I
- 11 appreciate you coming out on a cold night.

Page 4

- 12 I'd like to remind everyone present that this
- 13 hearing is not an open forum to discuss the Corps'
- 14 shortcomings in general. Therefore, we will concentrate
- 15 our efforts this evening on issues specific to the
- 16 Moffat Project proposal.
- 17 Before outlining the sequence of events for
- 18 this evening's hearings, I have a few opening remarks.
- 19 I will then outline the procedure for providing
- 20 testimony. And after that, I'll begin to call speakers
- 21 to the platform.
- 22 As the hearing officer tonight, my intent is
- 23 to give all interested parties an opportunity to express
- 24 their views on the proposed project freely, fully, and
- 25 publicly. It is in the spirit of seeking full

- 1 disclosure and to provide an opportunity for you to be
- 2 heard regarding the project, that we have called this
- 3 hearing. Anyone wishing to speak or make a statement
- 4 will be given the opportunity to do so.
- I would like to emphasize that the Corps of
- 6 Engineers is neither a proponent nor an opponent of the
- 7 proposed action or its alternatives.
- 8 As hearing officer, my role and responsibility
- 9 is to conduct this hearing in such a manner to -- manner
- 10 as to ensure the full disclosure of all relevant facts
- 11 bearing on the Permit application. A final decision on
- 12 the application will be based on the evaluation of all
- 13 relevant factors and the probable impacts, including
- 14 cumulative and indirect impacts, of the project on the Page 5

- 15 public interest.
- 16 That decision will reflect the national
- 17 concern for both the protection and the utilization of
- 18 important resources. The benefits which reasonably may
- 19 be expected to accrue from the project will be balanced
- 20 against the reasonably foreseeable detriments.
- 21 Shortly, I'll begin to call speakers by name,
- 22 based on the cards that we have.
- 23 Public officials will be given the first
- 24 opportunity to speak.
- When I call your name, please come forward to

- 1 the podium or one of the microphones, either in the
- 2 middle or the back; state your name and address; spell
- 3 out your name and the street address for the recorder;
- 4 and specify whether you're representing a group, agency,
- 5 organization, or speaking as an individual.
- 6 You'll be given three minutes to complete your
- 7 testimony. If you're going to read a prepared
- 8 statement, it would be appreciated if a copy would be
- 9 provided to the court reporter so that your remarks can
- 10 be translated from the copy.
- 11 After all statements have been made, if
- 12 possible, time may be allowed for any additional
- 13 remarks.
- 14 Since the purpose of this hearing is to gather
- 15 information which will be used to evaluate the project,
- 16 and since our regulations prohibit open debate between
- 17 members of the audience, I must insist that all comments
 Page 6

- 18 be directed to me, the hearing officer.
- 19 During the hearing, I may ask questions to
- 20 clarify points for my own satisfaction. However, I will
- 21 not be responding to questions.
- 22 Speakers will be called from the list of the
- 23 registration cards.
- 24 And I ask that you please remember that
- 25 speakers will be limited to three minutes. I will

- 1 notify each speaker when you have one minute left.
- 2 Andrea will hold up the yellow card. And then when your
- 3 time is up for the three minutes, she'll hold up a red
- 4 card.
- 5 This hearing offers members of the public an
- 6 equal and open opportunity to concisely present their
- 7 views, information, or evidence. No portion of unused
- 8 time allotted to each portion may be transferred to any
- 9 other presenter. If we permit one speaker to stockpile
- 10 the unused time for others, the result may be that the
- 11 hearing record will be unfairly skewed and others
- 12 waiting to speak may be discouraged from doing so.
- 13 Should you desire to submit a written
- 14 statement for the Public Hearing record and do not have
- 15 it prepared, you may send it to my attention at U.S.
- 16 Army Corps of Engineers, Denver Regulatory Office,
- 17 9307 South Wadsworth Boulevard, Littleton, Colorado
- 18 80128.
- 19 This information, as well as my e-mail address
- and my fax number, is contained in the handout
 Page 7

- 21 information, either in the front or toward the back.
- We have a number of cards from people who have
- 23 indicated they would like to speak, and so I will be
- 24 taking occasional breaks during the hearing, if need be.
- 25 That'll happen every hour and a half, for about

- 1 15 minutes. Then we'll get back together and continue
- 2 on until we've heard everyone who desire to speak.
- Additionally, I would point out that the open
- 4 house information is completely closed now. And for
- 5 those of you who were unable to view that information,
- 6 we have a website identifying the handout information
- 7 where you can access this. You can also access the
- 8 information that was posted or copies of the Draft EIS
- 9 on those websites.
- 10 We have one more public hearing for this
- 11 project. It'll be on Tuesday, December 8th, in
- 12 Keystone, Colorado, up in Summit County. You're welcome
- 13 to attend that hearing also.
- 14 And now the Corps will receive testimony.
- Judy Burke, if you would come up for
- 16 testimony.
- 17 Judy is the town mayor of Grand -- Grand Lake.
- 18 JUDY BURKE: Thank you for the opportunity to
- 19 speak again, this evening. I would like to let you know
- 20 that I do represent the citizens of the Town of Grand
- 21 Lake. My name is Judy Burke. That's J-u-d-y,
- 22 B-u-r-k-e. My addı

- 24 the citizens of the Grand Lake community.
- 25 I would like to start out by saying that this

- 1 is a very bad project for the citizens of Grand Lake,
- 2 for many reasons; one of the reasons being that this
- 3 project will affect negatively the community of Grand
- 4 Lake and the people that live there.
- 5 The clear blue waters of Grand Lake have now
- 6 turned green because of the projects that have taken
- 7 place that affect our lakes. This project will
- 8 certainly increase the nutrient concentration from lower
- 9 stream flows in our county. Our county depends on its
- 10 water for its tourism-based economy. This will be
- 11 negatively affected by this project.
- 12 It also affects the health of those people who
- 13 live around the -- the lake itself. Grand Lake, being a
- 14 small community of 469 people, has a great frontage on
- 15 Grand Lake, which will be affected by the degradation of
- 16 the quality of the water in that water body.
- 17 Most of you know, especially those of you who
- 18 are citizens of Colorado, or have been for very long,
- 19 Grand Lake is the largest natural lake in Colorado. We
- 20 can ill afford to let this lake be degradated and the
- 21 quality of the water and the clarity of this water to be
- 22 reduced. Grand Lake depends on a tourism-based economy.
- 23 If this lake should degradate much more, we are going to
- 24 start losing that visitation that many of the Front
- 25 Range people enjoy coming to Grand Lake to take part in.

```
1
               I would ask, on behalf of the citizens of the
2
    Town of Grand Lake, that the 45-day extension be granted
    so that everyone in our -- in our community that may
 3
 4
    wish to do so has an opportunity to review this
 5
    particular project.
 6
               I would also ask, on behalf of our citizens,
7
    that the two water quality projects that will affect the
8
    quality of our water, that being the Windy Gap Project
9
     and also the Moffat Project, be considered as one,
10
    because the results are the same from these two
11
     projects; and that, again, is the killing of Grand Lake.
12
              Thank you.
13
               MR. FRANKLIN: Thank you, Mayor.
14
               Gary Bumgarner.
               GARY BUMGARNER: I'd like to thank you for the
15
    opportunity to speak to you tonight. My name is Gary
16
17
     Bumgarner, G-a-r-y, B-u-m-g-a-r-n-e-r. I'm a Grand
18
    County commissioner and a fourth-generation rancher in
19
    the Grand County area.
20
               I'd like to make a couple points. The first
21
    one, I would echo what the mayor said as far as the two
22
    projects need to be combined. If your house is on fire
23
    and you've got two bedrooms, it seems like you would
24
    want the fire department to take care of both at the
     same time instead of separately. It's -- it's, I guess,
25
```

- 12-03-2009_Doubletree Denver_HEARING.txt
- 1 incomprehensible to me that we take these projects as a
- 2 vacuum and that they don't interrelate to each other.
- 3 Also, another 45 days seems a very small
- 4 amount of time when you're dealing with over 2,000 pages
- 5 of commentary. Let's take the time to research it and
- 6 get it right.
- 7 I would also ask you to hold the two parties
- 8 that are negotiating, or however many parties you want
- 9 to call it that are negotiating, to hold your Permit in
- 10 abeyance until an agreement comes forward. I've been a
- 11 commissioner for three years. We started this process
- 12 just after I became a commissioner, I believe, in
- 13 February. We hired a mediator. And it seems like, in
- 14 the past six months or even three months, things have
- 15 been progressing forward. And I think a lot of that has
- 16 to do with both entities are trying to get their permits
- 17 approved, and I think that your organization is bringing
- 18 that to pass.
- 19 So I would ask you to wait on that permit
- 20 until the negotiations reach fruitful experience or both
- 21 parties want to go and have a different outcome.
- 22 I appreciate your coming up to Grand County
- 23 last night and allowing the citizens to have their
- 24 input. And have happy holidays.
- 25 MR. FRANKLIN: Thank you, sir.

- 1 Any other public officials who would like to
- 2 provide testimony tonight? Okay. We'll go through our
- 3 list of cards here.

- 12-03-2009_Doubletree Denver_HEARING.txt Kirk Klancke. 4 5 KIRK KLANCKE: Thank you. My name is Kirk That's spelled with a K. I live the 6 Klancke. 8 I want to reiterate the 45-day extension. I 9 think that's a reasonable and necessary request. 10 The second thing I'd like to ask for is, I 11 would like to make a point that the need to make --
- okay. The second point that I need to make is based on 12
- the Draft EIS referring to part of the 2030 water short-13
- 14 fall for Denver Water being made up through water
- conservation. What the Draft EIS doesn't state is that 15
- 16 the portion of the shortfall that comes from
- 17 conservation must be implemented first, before any
- further depletions of the West Slope water takes place. 18
- After four decades of watching the Fraser 19
- 20 River deteriorate in perfect synchronism with Denver's
- growth, I have a pretty good understanding of what 21
- 22 Colorado's future could be if we continue to do business
- 23 as usual. In the same day that a West Slope resident
- 24 witnesses the extensive weed and algae growth in the
- 25 river that once attracted the president of the United

1 States to its banks, they can drive to Denver and see

- 2 lawn sprinklers running at high noon, when most of the
- 3 water's evaporating and not even getting to the roots of
- 4 this thirsty plant from a humid environment.
- And this is not just the uneducated minority. 5
- 6 It's also municipal parks and cities that are getting

```
12-03-2009_Doubletree Denver_HEARING.txt
```

- 7 their water from the West Slope. Half the residential
- 8 water use in Denver is not for people, but for this
- 9 thirsty plant, and seemingly their sidewalks too.
- 10 Denver is too arid of an environment and the West is too
- 11 fragile an environment for us to continue with these
- 12 wasteful practices.
- 13 Other Western municipalities have already
- 14 reduced their water consumption by far greater
- 15 percentages than Denver's proposing with the modest
- 16 numbers in their Draft EIS. Their success has come from
- 17 aggressively reducing the amount of Kentucky bluegrass
- 18 that they allow in their municipality. It breaks my
- 19 heart to see a natural environment on the West Slope
- 20 disappear while the people on the Front Range create an
- 21 artificial environment that belongs east of the
- 22 Mississippi.
- The Moffat Firming Project must write an EIS
- 24 that requires conservation before diversion. While I
- 25 can acknowledge that diversion is an important part of

- 1 the solution to Denver's water supply shortage, I cannot
- 2 support the idea of diverting any more water off the
- 3 West Slope until the development of water through
- 4 conservation has been exhausted. This conservation
- 5 needs to come through cutting back on outdoor water use,
- 6 repairing their leaky water distribution system, and
- 7 developing their full re-use water rights. Approval of
- 8 this project must be contingent on conservation being a
- 9 priority over diversion.

12-03-2009_Doubletree Denver_HEARING.txt Denver Water has a chance, with this EIS, to 10 create a legacy as the first water diverter to figure 11 12 out how to develop their water supply and sustain the 13 pristine environment that they are diverting water from. Past diversion projects have put the Fraser River at a 14 crossroads. Denver Water now needs to choose whether 15 16 they go down the road of sustainability or take the 17 route that will destroy the environment on the West Slope and the playground for the people of Denver. 18 19 Thank you. 20 MR. FRANKLIN: Thank you, sir. Yeah, if you 21 want to just hand that to us. 22 KIRK KLANCKE: Do I give it to Carla or . . . 23 MR. FRANKLIN: Here. Thank you. 24 Thank you. KIRK KLANCKE: 25 MR. FRANKLIN: Peter Fogg.

15

PETER FOGG: Thank you. My name is Peter 1 2 I'm with the Boulder County Land Use Department, 3 and I'm here to speak on behalf of the Boulder County 4 commissioners, who met today to discuss the Draft EIS 5 and the Permit information I've received to date. I'd like to echo Grand County's concern, as 6 well as Grand Lake and others. We feel that the minimum 7 8 45-day extension for comment on both those documents is 9 appropriate. If it could be extended further than that, 10 that would be more than welcome. They're massive documents. There's a lot of information there to 11 12 absorb.

- 12-03-2009_Doubletree Denver_HEARING.txt We feel, as the county that will be the 13 14 recipient, as it were, of whatever impacts or burdens 15 come from this project on the East Slope, both the short 16 term and in the long term, that it's appropriate to 17 grant this extension so that Boulder County has the opportunity to look at many of the cumulative impacts 18 19 that have been discussed generally in the DEIS. 20 We have done a preliminary review of both the DEIS and the Permits applications. There are a number 21 22 of issues that we have discussed with Denver Water, 23 starting in 2008, regarding this project, as well as 24 some concerns and some questions that will be raised 25 that we don't feel have been adequately addressed for us
 - 16
 - 1 to be able to make good policy decisions, both from a
 - 2 public standpoint and an environmental standpoint, to --
 - 3 to provide good input to this process.
 - 4 Some of the those issues include the
 - 5 transportation analyses, carbon footprint issues, air
 - 6 quality issues, the loss of habitat around Gross
 - 7 Reservoir, the question of the burden being borne by
 - 8 those who are going to be recipients of this water
 - 9 rather than those who will be affected by the project
- 10 and what their role is in this process, and several
- 11 other particular issues.
- 12 We do feel that it's appropriate, again, to
- 13 extend the hearing process to allow those of us who will
- 14 be bearing the physical and long-term impacts to have an
- 15 opportunity to provide you with better information.

16	12-03-2009_Doubletree Denver_HEARING.txt Thank you.		
17	MR. FRANKLIN: Thank you, sir.		
18	Canton O'Donnell.		
19	CANTON O'DONNELL: Thank you. I'm Canton		
20	O'D		
21	represent the Three Lakes Watershed Association.		
	•		
22	Three Lakes Watershed Association has over		
23	200 members, consisting of business owners and residents		
24	of the area around Grand Lake; Shadow Mountain		
25	Reservoir, Granby Reservoir, and Grand Lake. Our		
	17		
1	efforts are directed at the maintenance of the quality		
2	of life in our area. Currently, we are concentrated on		
3	the quality of the water in our three lakes and		
4	reservoirs.		
5	We have studied the high points of the Draft		
6	EIS for the Moffat Firming Project. Nowhere in that		
7	draft is there any mention of the Colorado Big Thompson		
8	Project, which is closely linked to the Moffat Project		
9	since Fraser River waters end up in the Colorado Big		
10	Thompson system by virtue of pumping from Windy Gap into		
11	Granby Reservoir. Shadow Mountain Reservoir and Grand		
12	Lake are already entirely severely impacted by the		
13	pumping of water from Granby through these other two		
14	water bodies.		
15	We're opposing the Windy Gap Firming Project		
16	until a long-term solution to our water problems		
17	commences. We oppose the Moffat Firming Project for all		
18	the same reasons, in addition to the fact that Front		

```
12-03-2009_Doubletree Denver_HEARING.txt Range communities have failed to implement water
19
20
     conservation programs that will allow sufficient water
21
     to remain in Grand County and downstream.
22
               We believe that your EIS in its final form
23
    must take into consideration the impacts on the CBT
     system, the fact of the Windy Gap Firming Project, and
24
25
     the effects of both of the increases in water diversions
                                                                18
1
     upon the waters of Grand County. We encourage you to
2
     extend the comment period as well.
 3
               Thank you.
 4
               MR. FRANKLIN: Thank you, sir.
 5
               Shanna Koenig.
 6
               SHANNA KOENIG: Hi, my name is Shanna Koenig,
 7
     and it's S-h-a-n-n-a, K-o-e-n-i-q. Do you need my
8
     physical address?
9
               I'm here representing Northwest Colorado
10
    Council of Governments, who has been the regional 208
     agency since 1976. I did speak in Boulder a couple of
11
12
     nights ago, but there are a few additional points that I
    would like to make.
13
14
               First, on behalf of our members, we support a
    45-day extension to allow our members adequate time to
15
16
     review the DEIS.
17
               Next, we would like to point out that the
18
     Purpose and Need is too narrow. It leaves a range of
19
     alternatives nearly identical, excluding more efficient
     and less environmentally damaging alternatives.
20
21
               we also feel using 2016 as base -- as the
                                       Page 17
```

```
12\text{-}03\text{-}2009\_\text{Doubletree Denver\_HEARING.txt} \\ baseline conditions is problematic. The DEIS should
22
23
     describe the natural state of water flow and summarize
24
     all the prior Denver Water diversions and any other
25
     manmade diversions that shouldn't be included in a
                                                                    19
1
     baseline condition -- or should be included in a
2
     baseline condition.
 3
                While the DEIS acknowledges that there are
 4
     fragile environmental conditions in 2016, it concludes
 5
     that past water-related projects may have had an adverse
     effect and that future water projects would have limited
 6
     new effects.
7
8
                NEPA guidelines say that the EIS should state
9
     whether resources are healthy, deteriorating, or
10
     considerably compromised. There are concerns that
```

11 conditions may already be seriously compromised and that 12 the environment is at its tipping point.

13 We are also concerned that there is no discussion of tourism or businesses that rely on tourism 14 in the DEIS, and there's no baseline data on fishing. 15 16 The environmental consequences discussion does mention 17 an adverse environmental impact on the Fraser and Williams Fork rivers, but there are no socioeconomic 18 implications. 19 20 Lastly, we do not support the no-action

alternative, because we feel there could be -- we feel we all could be better off with the mitigation and enhancement that should be included in the project. And I would echo Kirk Klancke's statement,

21

22

23

- 1 situation.
- 2 So thank you for the opportunity for adding
- 3 these additional comments.
- 4 MR. FRANKLIN: Thank you, ma'am.
- 5 Paul Bloede, unless I butchered that.
- 6 PAUL BLOEDE: I'm Paul Bloede, and that's
- 7 spelled B-l-o-e-d-e. And would you like my physical
- 8 add
- 10 I'm a frequent hiker, and I sometimes enjoy
- 11 meditating at the Crescent Meadows section of El Dorado
- 12 Canyon State Park. The entrance to Crescent Meadows is
- 13 alongside Gross Dam Road and is approximately 2 miles,
- 14 as the crow flies, from Gross Dam itself.
- Denver Water people have assured me that,
- 16 even only 2 miles away, the noise of all the actual work
- 17 on Gross Dam itself would not be audible. I don't know
- 18 if that's true or not. I'll assume that they are
- 19 correct, that it won't be significantly audible.
- 20 However, the roads, Gross Dam Road in particular, are
- 21 poor. They're essentially dirt roads. I don't believe
- 22 the roads can survive very well the impact of all the
- 23 construction vehicle traffic on them for four years.
- 24 I also think that the slow-moving construction
- 25 vehicle traffic will be noisy in itself, perhaps more

1 noisy than the work on the dam, to people using Crescent 2 Meadows and El Dorado Canyon State Park as a mental 3 sanctuary. So you not only have the noise and the --4 but you also have the traffic jam and the access. I 5 think that my access to Crescent Meadows will be, 6 effectively, limited extremely for four years by the 7 traffic of these construction vehicles. I'd like to suggest that all other 8 9 alternatives be pursued because of the natural beauty 10 and sanctity not only of Crescent Meadows but obviously 11 of Grand Lake and the Gross Reservoir recreational areas themselves. That entire region is such a beautiful 12 13 place that we've increased acre-feet storage, I think, 14 better, by creating the Leyden Gulch Reservoir and 15 pursuing some of the other alternatives that have been 16 mentioned. 17 Thank you. MR. FRANKLIN: Thank you, sir. 18 19 Kyle McCutchen. 20 KYLE McCUTCHEN: Hello, my name is Kyle 21 McCutchen. It's K-y-l-e, M-c-C-u-t-c-h-e-n. I'm an 22 individual. I represent a special interest group of

22

1 further dewatering of the Fraser River valleys and the

whitewater kayakers. I'm also a guidebook author, and

resident.

I'm opposed to this project because of the

2 general Colorado River drainage.

23

- 4 because it'll bury .4 miles of upper South Boulder Creek
- 5 underwater, and it's currently one of the greatest
- 6 kayaking sections that we have on the Front Range.
- 7 I believe my -- my thoughts are very similar
- 8 with most people that are wetlands kayakers in the Front
- 9 Range as well, and I will hope that we will look at
- 10 other alternatives, that are less devastating to that
- 11 river corridor, as it's one of our last that remains
- 12 natural in close proximity to Denver.
- Thank you.
- 14 MR. FRANKLIN: Thank you, sir.
- 15 Karen Kurtak.
- 16 MR. FRANKLIN: Hi, I'm Karen Kurtak. My name
- 17 is spelled K-a-r-e-n, K-u-r-t-a-k. I -- oh, do you need
- 18 my address as

I'm here as an individual.

- 20 My training is in environmental biology, and
- 21 I'm a native of Grand County. And I saw a couple holes
- 22 in part of the studies part of the Environmental Impact
- 23 Statement.
- I think it's important that the EIS
- 25 establishes point-of-reference parameters that base

- 1 their -- that are based not on the current ecology of
- 2 the Fraser and Colorado rivers and their riparian
- 3 habitats, but are based on the ecological status before
- 4 there was extensive damage done to these habitats.
- 5 The damage and loss that has been incurred Page 21

- 6 over the past few decades is a result of poor policy
- 7 based on gross lack of data and information, along with
- 8 abuses of pol -- along with abuses of policy. Much of
- 9 this has led to excessive diversion of water, often
- 10 reducing flows in the upper Fraser River Basin to a
- 11 trickle. This has resulted in significant drops in
- 12 population of native species, damage and a loss to
- 13 riparian habitat, which not only has resulted in the
- 14 loss of species but has also resulted in disruption by
- 15 invasion of nonnative species of grasses and thistle
- 16 along the banks.
- 17 One powerful example of the ecological damage
- 18 is the extensive amount of sediment that has accumulated
- 19 in the upper Fraser River Basin. The sediment has
- 20 significantly reduced the Rocky bottoms, which serve as
- 21 a reproductive habitat for both fish and some insects.
- 22 Much of the sediment accumulation has resulted in the
- 23 elimination of periodic high flows created by the
- 24 diversion of water. This problem has perhaps been
- 25 exacerbated by the fact that the water gauge is located

- 1 several miles downstream and not closer to the
- 2 headwaters. Since other sidestreams feed the Fraser
- 3 above the gauge, but downstream of the damage, the flow
- 4 reports are deceivingly acceptable according to current
- 5 policy. I think that's the thing that needs to be done.
- 6 The fact that no accurate flow readings exist
- 7 for the upper Fraser River Basin must be taken into
- 8 consideration in the study.

9	A gauge should be added to the upper Fraser
10	River Basin to reflect actual stream flow.
11	Periodic high flows should be allowed.
12	And damage that has been done should be
13	rectified by the entities that created it.
14	It is already known that two major roles of
15	riparian areas in an ecosystem are to reduce turbidity
16	by trapping sediment, and to prevent erosion. Damage
17	has been I'm sorry. Damage that has already been
18	done to the riparian zones in the Upper Fraser River
19	Basin can now be exacerbated by increased pulses of
20	runoff, which are and will continue to be a result of
21	the lodgepole pine forest loss in the area, which were
22	recently killed by the mountain pine beetle epidemic.
23	If the goal of the EIS is to preserve the
24	health of the ecology of the Fraser and Colorado river

25 systems, then --

1	(Timer sounded.)
2	KAREN KURTAK: Is that one minute? Okay.
3	then potential for further erosion of
4	riparian habitats resulting from additional these
5	additional factors of the loss of lodgepole pine forests
6	must be taken into consideration as well.
7	In conclusion, the current states of both the
8	river and riparian habitats for the upper Fraser and
9	upper Colorado is not representative of their original
10	healthy, intact ecosystems. It is only representative
11	of the damage that has already been done as a result of Page 23

- 12 failed policies. It is unacceptable for the EIS to use
- 13 the current ecological status of these ranges as
- 14 parameters for a point of reference for the studies.
- 15 And I think it's important that a significant
- 16 time extension is provided to enable proper
- 17 implementation of the environmental impact studies.
- 18 Thank you.
- MR. FRANKLIN: Thank you, ma'am.
- I have one more card, Ted Diedrich.
- 21 And if anybody at this point would like to
- 22 make a comment, you can still grab a card up in the back
- 23 there. And we'll certainly want to hear everybody who
- 24 wants to make a comment tonight.
- 25 TED DIEDRICH: Hi, Ted Diedrich,

26

1 D-i-e-d-r-i-c-h. I]

- I am the access director for the Colorado
- 3 Whitewater Association, which is the large nonprofit
- 4 here, dedicated to the promotion of whitewater boating.
- 5 Some of my points I'd to make will be similar
- 6 to those Kyle McCutchen had mentioned.
- 7 MR. FRANKLIN: If you could speak a little
- 8 closer to the mic --
- 9 TED DIEDRICH: Sure.
- 10 MR. FRANKLIN: -- that'd be great.
- 11 TED DIEDRICH: I'd like to voice initial
- 12 opposition to this proposal. Upper South Boulder Creek
- 13 is a premier regional run, both for the quality of its
- 14 white water and simply for the beauty of the landscape.
 Page 24

- 15 It is most certainly one of the best runs in the Front
- 16 Range region. The proposed Gross expansion's increased
- 17 footprint would flood the lower section of this run,
- 18 basically destroying it, making a lake out of it.
- 19 Furthermore, this run has a temporal window
- 20 within which it will be run. Within that window there's
- 21 a sweet spot at which the flow and cubic feet per second
- 22 make it ideal. The proposed expansion could shorten
- 23 that window and, furthermore, shorten this sweet spot
- 24 within which we could run this -- this stretch of the
- 25 river.

- 1 Lastly, this could also remove entirely the
- 2 window in which the Fraser River can be run. It's
- 3 very -- it's fairly rare now, as it is, that paddlers,
- 4 kayakers can enjoy that stretch. It's a fabulous remote
- 5 canyon. I have yet to see it, as a kayaker, because it
- 6 runs so infrequently now. With this, I don't know that
- 7 it would ever run again.
- 8 And, furthermore, I'd like to like to echo
- 9 what the gentleman from Tabernash had to say about
- 10 projects such as this seemingly being devoted to fill
- 11 the water needs for landscaping and green grass, and not
- 12 necessarily even for people, and not to mention the
- 13 environmental needs of the watersheds on either side of
- 14 the Divide.
- Thank you.
- MR. FRANKLIN: Thank you, sir.
- 17 That's all the cards I have. Is anybody else Page 25

12-03-2009_Doubletree Denver_HEARING.txt willing to either come up and make a comment or, if that's not the case, then we'll call the hearing. For anyone wishing to submit written comments, comments on the Section 404 Permit Application or the Draft EIS must be received by the Corps by January 28th, 2010. If there are no further questions, this hearing is adjourned.

Page 26

REPORTER'S CERTIFICATE I, CARLA D. CAPRITTA, Registered Professional Reporter, certify; That the foregoing proceedings were taken before me at the time and place therein set forth. That all foregoing proceedings were recorded stenographically by me and were thereafter transcribed; That the foregoing is a true and correct transcript of my shorthand notes so taken; I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action; I declare, under penalty of perjury under the laws of Colorado, that the foregoing is true and correct. Dated this 14th day of December, 2009.

Public Hearing Transcript,
Beaver Run Conference Center,
Breckenridge, Colorado –
January 7, 2010

1		
2		-
3	MOFFAT COLLECTION SYSTEM PROJECT	
4	PUBLIC HEARING	
5	January 7, 2010	
6		_
7		
8		
9	BEAVER RUN CONFERENCE CENTER	
LO	620 Village Road	
11	Peak 17 Conference Room	
L2	BRECKENRIDGE, COLORADO 80424	
L3		
L4		
L5	Commencing at 6:01 p.m.	
L6		
L7		
L8		
L9		
20	ATKINGON BAKED THE	
21	ATKINSON-BAKER, INC. COURT REPORTERS	
22	500 North Brand Boulevard, Third Floor Glendale, California 91203	
23	(818) 551-7300	
24	Reported by: Carla D. Capritta, RPR	
25	Job No.: A40000D	
		1
		1
1		
1	PROCEEDINGS	
2	MR. FRANKLIN: Ladies and gentlemen, this Page 1	

- 3 hearing will come to order.
- 4 I'm Scott Franklin with the Omaha District
- 5 Corps of Engineers Regulatory Branch, the hearing
- 6 officer.
- 7 Our purpose this evening is to conduct a
- 8 public hearing on a Department of the Army Permit
- 9 application received from the City and County of Denver,
- 10 Board of Water Commissioners, to whom we will refer
- 11 tonight as Denver Water.
- 12 Denver Water is proposing to construct the
- 13 Moffat Collection System Project, which we will call the
- 14 Moffat Project.
- 15 The Moffat Project includes raising Gross
- 16 Reservoir Dam, which is in the foothills approximately
- 17 6 miles southwest of the City of Boulder. Denver
- 18 Water's need for the Moffat Project is based on two
- 19 identified concerns:
- No. 1, a need for additional water supply,
- 21 and,
- No. 2, a need to improve the reliability and
- 23 flexibility of Denver Water's water supply system.
- 24 Beginning in 2016, and by 2030, Denver Water
- 25 identified an annual 34,000 acre-foot per year shortfall

- 1 in water supplies. Of this 34,000 acre-feet per year
- 2 shortfall, Denver Water expects to meet 16,000 acre-feet
- 3 using additional conservation efforts. The development
- 4 of new, firm yield is necessary to meet the remaining
- 5 18,000 acre-feet per year shortfall. The Moffat Project Page 2

- 6 will also correct reliability and flexibility concerns
- 7 in the operations of Denver Water's system.
- 8 Everybody hear me okay, all the way back?
- 9 Okay.
- 10 Denver Water's preferred approach to meet
- 11 this need is to raise Gross Reservoir Dam approximately
- 12 125 feet, to store an additional 72,000 acre-feet of
- 13 water. Using existing collection infrastructure, water
- 14 from the Fraser River and the Williams Fork River will
- 15 be diverted in average to wet years, and delivered via
- 16 the Moffat Tunnel and South Boulder Creek to the
- 17 existing Gross Reservoir site.
- 18 In addition to Denver Water's preferred
- 19 project to raise Gross Reservoir, the Corps will also
- 20 evaluate other alternatives Denver Water might use to
- 21 meet their needs. These include a new reservoir on
- 22 Leyden Creek in Jefferson County, additional water
- 23 stored in local gravel pits and in local underground
- 24 aquifers, advanced water treatment, and the purchase of
- 25 existing agricultural water rights.

- 1 Assisting me this evening is Andrea Parker
- 2 from URS Corporation, the Corps' consultant, on my
- 3 right.
- 4 Before I proceed, I want to make sure that any
- 5 elected officials who have not presented their card and
- 6 wish to do so, make sure that we have your information,
- 7 in order to speak.
- 8 The hearing is being recorded by Carla Page 3

- 9 Capritta, of the firm Atkinson-Baker, on my left. Carla
- 10 will be taking verbal testimony, which will be the basis
- 11 for the official transcript and the record of this
- 12 hearing.
- 13 The transcript, with all written statements
- 14 and other data, will be made part of the administrative
- 15 record for this project.
- In order to conduct an orderly hearing, it's
- 17 essential that I have a card from anyone wishing or
- 18 desiring to speak, giving your name and -- name and who
- 19 you represent. If you desire to make a statement and
- 20 have not filled out a card, you can certainly obtain one
- 21 from the entry table as you came in.
- The purpose of tonight's hearing is to help
- 23 ensure that the Corps has all essential information
- 24 needed to make a decision regarding the Department of
- 25 the Army Section 404 Permit for the proposed project,

- 1 including comments on the Draft Environmental Impact
- 2 Statement that was released on October 30th, 2009.
- This is part of your opportunity to provide us
- 4 with input and information relevant to the Permit
- 5 decision and the Environmental Impact Statement. We
- 6 view this as a very important part of the decision
- 7 process and an opportunity for you to have an influence
- 8 on the decision.
- 9 And I want to thank everybody here tonight for
- 10 coming out in the cold and making your voice known.
- 11 We'll concentrate our efforts tonight on Page 4

- 12 issues specific to the Moffat Project proposal, and so
- 13 I'd like to remind everyone present that this hearing is
- 14 not an open forum to discuss the Corps' shortcomings in
- 15 general.
- 16 Before outlining the sequence of events for
- 17 this evening's hearing, I have a few opening remarks.
- 18 I'll then outline the procedure for providing testimony.
- 19 And after that, I'll begin to call the speakers to the
- 20 microphone.
- 21 As the hearing officer tonight, my intent is
- 22 to give all interested parties an opportunity to express
- 23 their views on the proposed project freely, fully, and
- 24 publicly. It is in the spirit of seeking full
- 25 disclosure and to provide an opportunity for you to be
 - 1 heard regarding the project, that we've called the
 - 2 hearing tonight. Anyone wishing to speak or make a
 - 3 statement will be given the opportunity tonight to do
 - 4 so.
- 5 I'd like to emphasize that the Corps of
- 6 Engineers is neither a proponent nor an opponent of the
- 7 proposed action or its alternatives.
- 8 As hearing officer, my role and responsibility
- 9 is to conduct this hearing in such a manner as to ensure
- 10 the full disclosure of all relevant facts bearing on the
- 11 Permit application. A final decision on the application
- 12 will be based on evaluation of all relevant factors and
- 13 the probable impacts, including the cumulative and
- 14 indirect impacts, of the project on the public interest.
 Page 5

- 15 That decision will reflect the national
- 16 concern for both the protection and the utilization of
- 17 important resources. The benefits which reasonably may
- 18 be expected to accrue from the project will be balanced
- 19 against the reasonably foreseeable detriments.
- 20 Shortly, I'll begin to call speakers by name,
- 21 and we'll have the public officials, who will be given
- 22 the opportunity to first -- to speak first.
- 23 When I call the your name, please come forward
- 24 to the podium, state your name and address, spell out
- 25 your name and street address for the recorder, and

- 1 specify whether you are representing a group, agency,
- 2 organization, or speaking as an individual.
- 3 After you have given this information, you
- 4 will then be given three minutes to complete your
- 5 testimony.
- If you're going to read a prepared statement,
- 7 it would be appreciated if a copy would be provided to
- 8 the court reporter, so that your remarks can be
- 9 translated from the copy.
- 10 After all statements have been made, if
- 11 possible, time may be allowed for any additional
- 12 remarks.
- 13 Since the purpose of this hearing is to gather
- 14 information which will be used to evaluate the project,
- 15 and since our regulations prohibit open debate between
- 16 members of the audience, I must insist that all comments
- 17 be directed to me, the hearing officer.

- During the hearing, I may ask questions to
- 19 clarify points for my own satisfaction. However, I will
- 20 not be responding to any questions.
- 21 Speakers will be called from a list of the
- 22 registration cards.
- 23 Please remember that speakers will be limited
- 24 to three minutes, after you've given your personal
- 25 information. I'll notify each speaker when you have one

- 1 minute left, by holding up a yellow card, a light-yellow
- 2 card, and I'll make eye contact with you, and then will
- 3 notify you when your three minutes are complete.
- 4 This hearing offers members of the public an
- 5 equal and open opportunity to concisely present their
- 6 views, information, or evidence. No portion of unused
- 7 time allotted to each portion may be transferred to any
- 8 other presenter. If we permit one speaker to stockpile,
- 9 to use time for the others, the result may be that the
- 10 hearing record will be unfairly skewed and others
- 11 waiting to speak may be discouraged from doing so.
- 12 Should you desire to submit a written
- 13 statement for the public hearing record and do not have
- 14 it prepared, you may send it to my attention at the
- 15 U.S. Army Corps of Engineers, Denver Regulatory Office,
- 16 9307 South Wadsworth Boulevard, Littleton, Colorado
- 17 80128.
- 18 This information, as well as my e-mail address
- 19 and fax number, is certainly contained in any of the
- 20 handout information in the front and some of the local Page 7

- 21 tables there.
- We have of a number of cards from people who
- 23 have indicated they'd like to speak, and so we will
- 24 probably move through from front to back. I think we've
- 25 got around ten cards. If we need to, we'll take a break

- 1 and come back for any remaining speakers.
- 2 Additionally, I would like to point out that
- 3 the open house information area is all being closed up.
- 4 For those of you who were unable to view the
- 5 information, we have a website identified in the handout
- 6 information, where you can access that information. You
- 7 can access the information that was posted and copies of
- 8 the Draft EIS.
- 9 The Corps will now receive testimony, and so I
- 10 will call names. Primarily, we have government
- 11 speakers, and so we'll just do everybody we can, right
- 12 up front, with any government affiliation.
- 13 First name is Gary Martinez. And you can come
- 14 up either to this microphone here, or you can come right
- 15 up here. And if you would direct your comments to me,
- 16 I'd appreciate it. Thank you, Gary.
- 17 GARY MARTINEZ: Is this on?
- 18 MR. FRANKLIN: I believe it is.
- 19 GARY MARTINEZ: Okay, great. Thank you. My
- 20 name is Gary Martinez, Summit County Manager. My work
- 21 address is 208 East Lincoln Avenue, Breckenridge,
- 22 Colorado. It's the old county courthouse. And, I'm
- 23 sorry, what other information did you need, to start?
 Page 8

- 24 MS. PARKER: Just please spell your name.
- 25 GARY MARTINEZ: Oh. Gary, G-a-r-y,

- 1 M-a-r-t-i-n-e-z.
- 2 To start off, I know you didn't want to start
- 3 with shortcomings of the Army Corps, but I must say,
- 4 we're deeply disappointed this meeting was scheduled
- 5 tonight with the National Championship football game.
- 6 MR. FRANKLIN: Can everybody hear Gary's
- 7 remarks? If you can't, it's important.
- 8 You'll have to --
- 9 MS. PARKER: We'll check.
- 10 GARY MARTINEZ: Well, it says it's on. Is it
- 11 coming through?
- 12 MR. FRANKLIN: I think so.
- MS. PARKER: We can -- we can actually turn it
- 14 up from back here. Let me turn it up from back here.
- 15 MR. FRANKLIN: Hang on for a second. We -- we
- 16 haven't started the clock yet.
- 17 GARY MARTINEZ: My joke is done.
- 18 MS. PARKER: Do you want to try now? We
- 19 turned it up from the back here.
- 20 GARY MARTINEZ: One-two, one-two, testing,
- 21 test.
- 22 MR. FRANKLIN: I think that's good. So go
- 23 ahead, Gary.
- 24 GARY MARTINEZ: So we'll pass on the football
- 25 game today. I actually it's occurring upstairs.

We appreciate the opportunity to comment on

2 the Draft EIS. There'll be four people from Summit 3 County Government speaking this evening. I'm the first. 4 Karn Stiegelmeier, County Commissioner Stiegelmeier, 5 will be next; Commissioner Robert French after that; and 6 our water counsel, Barney White. 7 First comment is -- I also want to comment 8 that we'll be making written testimony, that will be 9 provided before your deadline, that will go into much 10 greater detail than we will be able to do here tonight. 11 First comment is that I want to point out, to 12 yourselves as well as the other folks here in the 13 audience tonight, that the County is involved in long-14 term negotiations with Denver Water, on a wide range of issues, along with a lot of other West Slope entities, 15 including Denver's compliance with the Blue River Decree 16 17 and impacts of the Moffat Project. 18 It's been going on for guite some time. We've 19 made some progress with the County. We're hopeful that 20 these negotiations will be successful, but no agreements 21 have been in place yet; so, therefore, we'll be making 22 comments outside of that other negotiation, about the 23 Moffat Project, this evening. 24 The first comment is that the Moffat Project 25 will have significant impacts in Summit County in water,

- $$01\text{-}07\text{-}2010_Beaver}$ Run Resort_HEARING.txt water quality, environmental resources, and local 1
- 2 economies, not just in Summit County but throughout the
- 3 Colorado River Basin. Summit County supports the work
- 4 and efforts of Grand County and other local governments
- 5 to ensure that all the project impacts, Moffat Project
- 6 impacts, are adequately disclosed.
- 7 The 2030 water supply scenarios modeled in the
- 8 DEIS include both the preferred -- including both the
- preferred alternative and the no-action alternative, 9
- show increased diversions through the Roberts Tunnel as 10
- 11 compared to the 2016 full-use scenario. These
- 12 diversions cause corresponding reductions in flows to
- the Blue River and lake levels in Dillon Reservoir. 13
- 14 This, of course, is a concern to Summit County.
- These increased diversions to the Roberts 15
- 16 Tunnel would be -- could be concentrated during the
- 17 months of May through September, which are prime
- recreational season here in Summit County. And, again, 18
- this is a recreation-based economy, and that sort of 19
- 20 fluctuation in lake levels and reduction in stream flows
- is, of course, another major concern. 21
- 22 The reduced flows in the Blue River will also
- 23 result in reductions in the wetlands adjacent to the
- 24 Blue River between Dillon and Green -- Green Mountain
- 25 Reservoir. Also, in that same stretch of river between

- Dillon and Green Mountain Reservoir, there'll be 1
- permanent adverse impacts from this project to boating 2
- 3 opportunities on the Blue River, because of decreases in

- $$01\text{-}07\text{-}2010_Beaver}$ Run Resort_HEARING.txt the number of days that fall within minimum flow range 4
- of 300 to 600 cfs and decreases in the number of days 5
- that fall within the optimum flow range of 600 to 6
- 7 1100 cfs.
- There may be others here this evening to talk 8
- about that, but we wanted to point that out, for sure. 9
- 10 I'd also like to point out that these impacts
- 11 are only incremental impacts of the development of
- additional water analyzed in the Draft, DEIS. The Draft 12
- EIS does not examine the ongoing impacts on the natural 13
- 14 ecosystem caused by Denver's ongoing operations. Summit
- 15 and Grand counties have already been impacted
- dramatically over the years, and these new impacts are 16
- 17 just on top of those old or existing impacts. We
- believe the cumulative impacts of this and previous 18
- 19 water projects have not been adequately analyzed so far
- 20 in this DEIS.
- And, finally, the alternative study in the EIS 21
- 22 has essentially the same or greater impacts on the Blue
- 23 River. The Corps of Engineers, we believe, has a duty
- 24 to, under the Clean Water Act, identify and study
- 25 alternatives to the Moffat Project that would have less

impact on the waters of the United States, including the 1

- Blue River. I do not believe that has been done so far 2
- 3 in the Draft EIS.
- Karn Stiegelmeier will -- will follow. 4
- 5 MR. FRANKLIN: Thank you, sir.
- And you're Karen Stiegelmeier? 6

01-07-2010_Beaver Run Resort_HEARING.txt 7 KARN STIEGELMEIER: Karn Stiegelmeier. 8 MR. FRANKLIN: Great. 9 KARN STIEGELMEIER: And do you need me to 10 spell it and -- okay. K-a-r-n, S-t-i-e-g-e-l-m-e-i-e-r. And then do you need the address? It's the same as 11 12 Gary's. Summit County Commissioners, Summit County. Do 13 you need more information? 14 MR. FRANKLIN: We're good. 15 KARN STIEGELMEIER: Okay. 16 MR. FRANKLIN: Can everybody hear, where you 17 are, Karn? Thank you. KARN STIEGELMEIER: Okay. I would like to 18 19 thank you again for having this public hearing here in 20 Summit County, because at first we were left out. 21 I'd like to talk about what I see as serious 22 flaws in the DEIS. To begin, the stated purpose of the 23 project, in the EIS, is to develop 18,000 acre-feet of annual firm yield to the Moffat Treatment Plant and from 24

14

- 1 Plant. This is an artificially narrow purpose. It
- 2 assumes that a new reservoir must be built, and it's not

the raw water customers upstream of the Moffat Treatment

3 a reasonable starting point.

- 4 Secondly, under the Blue River Decree these
- 5 raw water customers outside the City and County of
- 6 Denver are not in the legal service area for the Blue --
- 7 for Blue River water, so it's highly questionable to
- 8 consider this a valid purpose.
- 9 And the EIS must analyze alternatives. A

- 01-07-2010_Beaver Run Resort_HEARING.txt number of reasonable and obvious alternatives, that do 10
- 11 not have impact on the Blue River and the West Slope,
- 12 have not been considered. These alternatives can
- 13 provide for more than the stated need of 18,000 acre-
- feet of additional water. Conservation, reuse, and 14
- 15 other storage can meet this need of 18,000 acre-feet.
- 16 Denver stated, in its '02 IRP, Integrated
- 17 Resource Plan, that it expects an additional 39,000
- acre-feet by 2045 by customers placing inefficient 18
- faucets, toilets, and other fixtures. The EIS includes 19
- 20 only 24,000 acre-feet of savings by 2030. And clearly
- 21 some incentives could bring the replacement gains to
- 22 Denver stated -- Denver's stated 39,000 acre-feet
- 23 15 years sooner. So that would create 13,000 acre-feet
- 24 of less demand.
- 25 The EIS demand estimate states 16,000 acre-

- feet reduction in demand due to conservation by 2030; 1
- however, Denver Water has already committed to achieving 2
- 29,000 acre-feet of reduction in demand by conservation 3
- 4 by 2016. So that's an additional 13,000 acre-feet not
- 5 being considered in the EIS.
- The Blue River Decree requires reuse before 6
- 7 using more Blue River water. Indirect potable reuse is
- excluded as a realistic alternative, without any factual 8
- 9 basis. Other neighboring communities already use this
- 10 technology, including Aurora in its Prairie Water
- 11 Project.
- The EIS fails to consider 20,000 acre-feet of 12

- $$01\mathchar`-07\mathchar`-2010_Beaver$ Run Resort_HEARING.txt firm yield available to Denver in dry years with 13
- 14 Denver's participation in the WISE, Water Infrastructure
- 15 and Supply Efficiency, project; partnering with Denver,
- 16 Aurora, and South Metro. The EIS fails to consider
- 17 Denver's availability -- Denver's ability to use ground-
- 18 water as emergency supply, thereby negating the need for
- 19 the 30,000 acre-feet of water in the strategic water
- 20 reserve.
- The purpose of the project is to provide 21
- 22 18,000 acre-feet of firm yield. And I've listed a total
- 23 of 15,000 acre-feet, replacement of water fixtures;
- 24 13,000 acre-feet through conservation measures that
- 25 Denver's already committed to; 20 to 30,000 feet in the

- 1 WISE partnership; 30,000 acre-feet of strategic water
- 2 reserve; a grand total of 78,000 acre-feet that has not
- 3 been realistically considered as an alternative in the
- EIS. 4
- 5 I think it's unreasonable that the Blue River
- Basin and the West Slope should suffer economic and 6
- environmental consequences of losing this water, when 7
- 8 the EIS has not even considered these alternatives.
- 9 Thank you. And Bob French, Commissioner Bob
- 10 French, is next.
- 11 MR. FRANKLIN: Thank you, ma'am. And you're
- 12 exactly right, we have a card here with Bob French's
- 13 name on it.
- BOB FRENCH: I am he, Bob French, Summit 14
- 15 County Commis

17 My comments will also center on what I see as some deficiencies in the DEIS. I'll start out with, in 18 19 the interest of full disclosure, saying, you know, I haven't read it all. I haven't read the health bill 20 before the United States Congress, either, but I have 21 22 some information on what's in it and not in it. And the 23 same for the DEIS. As mentioned by some others, the document does 24

not either include or identify supporting information,

- 17
- 1 materials which would permit an adequate evaluation of
- 2 its conclusions. If you Google "404 Permit, Criteria
- 3 for the Issuance of," right off the bat you find your
- 4 article written by a member of the U.S. Army Corps of
- 5 Engineers a few years ago, which lists 21 factors to be
- 6 considered in determining whether a project is in the
- 7 public interest. That determination, that a project is
- 8 in the public interest, is the ultimate criterion which
- 9 must be satisfied in issuing a 404 permit.
- 10 I'll list a few of those factors which seem
- 11 particularly relevant to the consideration of the Moffat
- 12 Project. Some of them have been mentioned by Gary and
- 13 by Karn before. I won't go into them in detail.
- 14 Anticipated impacts of the project on fish and
- 15 wildlife. The stretch of Blue River from Dillon Dam to
- 16 its concourse with the Colorado is a Gold Medal Fishery.
- 17 Flows in the Blue will face significant reduction, which
- 18 will harm that fishery. This issue is not addressed in

- 19 the DEIS.
- 20 Karn mentioned recreation. The boating and
- 21 fishing on which Summit's tourist industry depends in
- 22 the summer, not considered.
- 23 Water supply and conservation, no analysis of
- 24 the impacts of the Moffat Diversion on the cost and
- 25 availability of water for existing and future West Slope

- 1 customers.
- What about the existing limitations, legal
- 3 limitations, on the location of use and the reuse
- 4 requirements in the Blue River Decree? Although
- 5 55 years old, that's still part of the law of the river.
- 6 Not considered in the DEIS.
- 7 Under the Blue River Decree, the U.S. Army
- 8 Corps of Engineers is a trustee for Summit County and
- 9 the West Slope. There's a fiduciary duty involved, in
- 10 that appointment, to apply these and other criteria in
- 11 any consideration of an application 404 permit. That
- 12 duty does not appear to be discharged by the DEIS. The
- 13 finding that the issuance is in the public interest is
- 14 not supported by the evidence in that document.
- Thank you.
- MR. FRANKLIN: Thank you, sir.
- 17 Barney White.
- 18 BARNEY WHITE: Thank you, Mr. Franklin. I'm
- 19 not sure this is on.
- MR. FRANKLIN: I'm not sure it's on, either.
- 21 If everybody can hear, we'll move ahead, but maybe you

```
01-07-2010_Beaver Run Resort_HEARING.txt
```

- 22 should speak loud.
- 23 BARNEY WHITE: Okay. Well, I'm Barney White,
- 24 B-a-r-n-e-y, W-h-

As Gary said, I am water

- 1 counsel for Summit County.
- 2 Thank you very much for holding this hearing
- 3 in Summit County. I think it is very important for the
- 4 folks in this room to get a more complete understanding
- 5 of the project and the impacts of the project in the
- 6 counties.
- 7 I'm going to talk, during my three minutes,
- 8 about the no-action alternative, because, frankly, I
- 9 think a lot of folks in Summit County are confused by
- 10 that. And I don't think that the Draft EIS does an
- 11 appropriate analysis of what a no-action alternative
- 12 would be.
- 13 The first thing to keep in mind is that the --
- 14 under the no-action alternative, what the Corps or its
- 15 consultants assume that Denver will do is to dip into
- 16 its strategic water reserve. Now, we've never known
- 17 where the strategic water reserve is, but in the
- 18 no-action alternative, at least some of it appears in
- 19 Dillon Reservoir. And the way that Denver obtains
- 20 additional yield, under the no-action alternative, is to
- 21 release water from the strategic water reserve.
- 22 Well, there's several things that are wrong
- 23 with that approach. First, that isn't the purpose of
- 24 Denver's strategic water reserve, what used to be called

- 1 normal expected growth and demand, and it is that demand
- 2 that is being satisfied in the no-action alternative.
- 3 Second, the strategic water reserve wasn't
- 4 used in the preferred alternative or the other action
- 5 alternatives. So it really isn't an apples-to-apples
- 6 comparison. The apparent conclusion that the no-action
- 7 alternative would result in greater impacts in the Blue
- 8 River is false, because the rules of the game have
- 9 changed in the no-action alternative. Now the strategic
- 10 water reserve is on the table, where it never has been
- 11 before.
- 12 Second, using the strategic water reserve, and
- 13 diverting water through the Roberts Tunnel from that
- 14 source, doesn't accomplish the purpose and need of the
- 15 project. In fact, it has no bearing on the purpose and
- 16 need of the project as it's defined by the Corps. It
- 17 doesn't provide water to the Moffat Treatment Plant. It
- 18 doesn't increase the reliability of the plant. And it
- 19 doesn't satisfy the deficit in the supply to the raw
- 20 water contracts, all of which are on the north end of
- 21 the system.
- The no-action alternative is meaningful only
- 23 if it relates to the purpose of the project. What would
- 24 Denver do if it couldn't have the Moffat Project? What
- 25 would it do to achieve those goals? Well, it's

- 1 unrealistic to assume that Denver wouldn't implement
- 2 some of the 303 projects that are identified and were
- 3 rejected in the EIS. Denver would certainly try to
- 4 capture some of the savings from natural replacement and
- 5 conservation that Karn Stiegelmeier identified; and
- 6 which, by the way, are underdisclosed in the
- 7 Environmental Impact Statement.
- 8 I see I'm out of time. We'll submit
- 9 additional written comments. Thank you.
- 10 MR. FRANKLIN: Thank you for your comments,
- 11 sir.
- 12 Lurline Curran.
- 13 (Discussion held off the record.)
- 14 MR. FRANKLIN: We haven't started yet, your
- 15 clock yet, Lurline.
- 16 LURLINE UNDERBRINK CURRAN: That's all right.
- 17 I can go to the back.
- 18 MR. FRANKLIN: Can you just check this to see
- 19 if this one's working a little better?
- 20 MS. BIERMAN: This one right here?
- MR. FRANKLIN: Yeah.
- MS. BIERMAN: How's that? Better?
- MR. FRANKLIN: That's better.
- Do you mind, Lurline? Why don't you come up
- 25 here, if you would.

- 1 LURLINE UNDERBRINK CURRAN: My name is Lurline
- 2 Underbrink Curran; L-u-r-l-i-n-e, U-n-d-e-r-b-r-i-n-k Page 20

- 3 C-u-r-r-a-n. I'm the county manager for Grand County,
- 4 and I'm here to speak on behalf of the Grand County
- 5 Commissioners.
- 6 First of all, I would like to say, Grand
- 7 County totally supports all of the comments that were
- 8 made by Summit County. We believe they are more than
- 9 appropriate and should be strongly considered by the
- 10 U.S. Army Corps of Engineers.
- 11 As Manager Martinez referred, we are in
- 12 negotiations with Denver Water, and have been for quite
- 13 some time. We are very hopeful that those negotiations
- 14 will proof -- prove fruitful; but if they do not, the
- 15 mitigation offered in the EIS is troubling to us and, we
- 16 believe, not sufficient to address the impacts.
- 17 The resource in Grand County is impacted by
- 18 not only the Moffat Diversion, but by the CBT Project
- 19 and by the Windy Gap Project. Therefore, the resource
- 20 of the Fraser River and the Colorado River are at a
- 21 tipping point. If the EIS is correct in its impacts,
- 22 which is stated to be negligible, then perhaps the
- 23 resource will not crash. If it is not correct in its
- 24 assumptions and that resource crashes, it is a detriment
- 25 to the entire state of Colorado, but more particularly

1 Grand County.

- 2 Grand County and Summit County are the most
- 3 impacted counties in the state by transmountain
- 4 diversions; therefore, they should be -- any impact to
- 5 those resources should be strongly looked at and should Page 21

- 6 be -- we should be certain that the mitigation proposed
- 7 is appropriate to the impacts that are -- are stated.
- 8 And we should look at what has happened in the past, in
- 9 order to bring the resource to a critical level.
- 10 Grand County has invested in a stream
- 11 management plan. It is totally scientific based. We
- 12 believe it should be used as one of the criteria to
- 13 judge the -- against the impacts of the Moffat Firming
- 14 Project.
- 15 My last point is, if the EIS is taken and it
- 16 goes through to a record of decision, with the
- 17 mitigation that is proposed, what if all the assumptions
- 18 that are made are not correct? These are assumptions
- 19 based on futuristic projections. If they are not
- 20 correct and the resource crashes, what is to be done
- 21 then?
- 22 The Colorado River is the lifeline of Colorado
- 23 and many states below us, and it is imperative that,
- 24 if the assumptions that are made are not correct in the
- 25 future, there has to be a way to go back and fix the

- 1 Colorado River and the Fraser River, and we hope that
- 2 the Corps of Engineers will take that into
- 3 consideration.
- 4 Thank you for your time.
- 5 MR. FRANKLIN: Thank you very much.
- 6 Zach Margolis.
- 7 ZACH MARGOLIS: Good evening. My name is Zach
- 8 Margolis. I work for the Town of Silverthorn as utility Page 22

9 mar

Zach Margolis; Z-a-c-h, M-a-r-g-o-l-i-s.

- 11 The Town of Silverthorn has enjoyed an
- 12 excellent working relationship with Denver Water over
- 13 the years. Their participation in our trails and stream
- 14 restoration projects and their communications about
- 15 potential flooding and flow projections are all very
- 16 much appreciated.
- 17 Silverthorn is not taking a position for or
- 18 against the project. However, we support the written
- 19 comments that you'll be receiving from the County, the
- 20 Summit Water Quality Committee, and the QQ Committee of
- 21 Northwest Cog.
- 22 We'd like to offer the following additional
- 23 comments, I may be restating some you've heard already,
- 24 about the Draft EIS.
- 25 No impacts to fishing were identified in the

- 1 DEIS. Significant consideration should be given to the
- 2 fact that the Blue River, from Dillon Dam to the
- 3 confluence of the Colorado River, is a Gold Medal
- 4 Stream. The report indicates that spring flows and
- 5 other high-flow events will be reduced in this reach of
- 6 the Blue River. These flushing flows are crucial to the
- 7 aquatic life and overall health of the stream and are
- 8 needed to maintain the Gold Medal Fishery designation.
- 9 These flows also support our recreational boating
- 10 industry.
- The EIS identifies average monthly releases
 Page 23

- 12 from Dillon Reservoir that rarely, if at all, go below
- 13 50 cfs. The DEIS implies that Denver Water does not
- 14 intend to reduce flows below 50 cfs, although they have
- 15 the ability to do so in certain circumstances. When
- 16 flows out of Dillon Reservoir drop below 50 cfs, there's
- 17 a potential for significant impacts to the fishery, and
- 18 there would be very costly impacts to Silverthorn/Dillon
- 19 Joint Sewer Authority's Blue River Wastewater Treatment
- 20 Plant. Since the DEIS concludes the impacts would be
- 21 negligible, the 404 permit conditions should hold the
- 22 project to that conclusion by requiring the daily
- 23 releases from Dillon Reservoir to not drop below 50 cfs.
- Thank you very much.
- 25 MR. FRANKLIN: Thank you, sir.

- 1 Michael Penny.
- 2 MICHAEL PENNY: Thank you, Mr. Franklin. My
- 3 name is Michael Penny, P-e-n-n-y. I'm representing the
- 4 Town of Fi
- 6 First of all, I'd like to support the comments
- 7 as specifically from Summit County and the Town of
- 8 Silverthorn that you just heard from, and make you aware
- 9 that we are also part of the negotiations, the ongoing
- 10 negotiations, with Denver Water.
- 11 Specifically, I think there are a couple
- 12 comments I want to make relative to the DEIS, and
- 13 specifically there's no discussion of tourism or
- 14 businesses that rely on tourism, and no socioeconomic Page 24

01-07-2010_Beaver Run Resort_HEARING.txt

- 15 impacts that were discussed in the DEIS, as well as
- 16 mountain pine beetle impacts or climate change impacts
- 17 were not evaluated.
- 18 And if you're not aware, the Town of Frisco
- 19 and, I believe, Summit County and the other -- both
- 20 municipalities in Summit County and, most likely, in
- 21 Eagle County have spent a significant amount of local
- 22 public tax dollars on addressing the mountain pine
- 23 beetle. So it's not an issue that we're trying to pass
- 24 off or say it's insignificant. We believe that it needs
- 25 to be addressed in the DEIS.

- 1 Then for Frisco in particular, increased
- 2 diversions through the Robert Tunnels -- the Robert
- 3 Tunnel will occur during the months of May through
- 4 September. These are the exact months that the town
- 5 relies on lake levels for the marina and summer
- 6 recreation for Dillon Reservoir. If the Frisco Marina
- 7 was unable to fully operate, there would be serious
- 8 socio- and economic impacts to the town. And as I
- 9 stated, these impacts have not been considered within
- 10 the DEIS.
- 11 And both for the -- these next two are, I
- 12 think, relevant, both for the Town of Frisco as well as
- 13 the Town of Dillon, with reservoir -- with the marinas.
- 14 With reservoir levels being drawn down during summer
- 15 months, the DEIS should have better evaluated air
- 16 quality implications. As sailors know well, the winds
- on and around Dillon Reservoir are intense at times; and Page 25

01-07-2010_Beaver Run Resort_HEARING.txt

- 18 as we saw in 2002, the new leads for the shoreline
- 19 produces a considerable amount of dust. This dust not
- 20 only has air quality implications, but also threatens
- 21 water quality in Dillon Reservoir, which increases
- 22 phosphorous and particulate.
- 23 As stated in the DEIS, the Clean Air Act
- 24 requires states to treat the Class 1 areas with the most
- 25 stringent degree of protection from future degradation

- 1 of air quality. While the DEIS recognizes the Eagle's
- 2 Nest Wilderness as a Class 1 Wilderness Area in close
- 3 proximity to the project area, the DEIS does fail to
- 4 acknowledge the potential air quality impacts that could
- 5 occur in Eagle's Nest Wilderness as a result of reduced
- 6 lake levels that can cause considerable amount of dust.
- 7 resulting in particulate pollution. Air quality impacts
- 8 need to be appropriately identified and mitigation
- 9 clearly outlined in the DEIS.
- 10 And, finally, the DEIS does not take into
- 11 consideration wastewater treatment plants that discharge
- 12 into Dillon Reservoir. Fluctuating lake levels could
- 13 lead to treatment plants needing to do extensive
- 14 upgrades in order to comply with current regulations,
- 15 both current and future. These added costs should not
- 16 fall on the discharge, and the DEIS needs to evaluate
- 17 such implications.
- 18 Thank you for your time.
- 19 MR. FRANKLIN: Thank you, sir.
- 20 Mattie Wade.

- 21 MATTIE WADE: Hello, my name is Mattie Wade;
- 22 M-a-t-t-i-e, W-

I own Ten Mile Creek Kayaks.

- 24 MR. FRANKLIN: Pardon me. If you'd move just
- 25 a little bit closer, that'd be great.

water to take up from up here.

- MATTIE WADE: Okay. Did you catch that?

 I support everything that's been said here

 tonight. I think it's great comments, and that needs

 to be looked at.

 A couple things, some points I want to bring
- up to you, is, on the DEIS, conservation needs to be
 written into it. There are no conservation issues,
 whatsoever, in that document. I think that would
 probably solve 70 percent of this Moffat plan. If
 Denver was able to start up a conservation area and by
 conserving water down there, they wouldn't need the
- Also, possibly looking at a surcharge for the people down in Denver that are using extra water to water their lawns and water their grass, that's blue green -- that's blue Kentucky grass, which takes much more water than any other kind, any other kind of grass; and looking at other types of native grass to Colorado that doesn't use the water that happens.
- Also everything needs to be in writing. I
 found out about a meeting that happened, that nobody
 knew about. And I'm still trying to find information
 about that. It happened over in Grand County. And I
 Page 27

- 24 think that if there's any meetings that happen, they
- 25 have to be totally put on the Web and let everyone know

- 1 about it.
- Scott Franklin, I think it's your position
- 3 that you need to look at this and make sure that this is
- 4 all done right. It's your job. It's your duty.
- 5 There's a lot of impact that can happen here, and the
- 6 biggest thing why I'm standing here is that I have a
- 7 business and we deal with water. I have a kayak shop.
- 8 And if we don't have those stream flows in rivers around
- 9 here, then that will affect my business, and which
- 10 affects the life of everyone around here.
- 11 I'd also like to say that a flatline river is
- 12 a dead river. A river that doesn't have high flows and
- 13 low flows to be able to do that ecosystem and to
- 14 floodland areas, will make that river die. Gold Medal
- 15 water around here is a good thing to have and the
- 16 starship of our community.
- 17 That's about it.
- 18 MR. FRANKLIN: Thank you, sir.
- 19 Duke Bradford.
- 20 DUKE BRADFORD: Hello, my name's Duke
- 21 Bradford. I'm here on behalf of Colorado River Rafters
- 22 Association, as well as a local business owner here in
- 23 Breckenridge.
- 24 I just wanted to say that, after looking at
- 25 the samples on the Colorado, with the Windy Gap, as well

- 1 as the Moffat, we're talking about 20 percent of the
- 2 water being reduced -- it's not 6 percent, as it said --
- 3 just with the Moffat. And it's going to really look --
- 4 we're looking to reduce the overall boating season below
- 5 what it is now, a hundred and fifty days, significantly.
- 6 And with Breckenridge and Summit County being based on a
- 7 recreational economy, this would have significant
- 8 ramifications for this community. So we wanted to
- 9 comment, on the record, as letting -- letting people
- 10 know that that's the case.
- 11 Also, when we talk about the Blue River,
- 12 currently it has dropped below levels that are even
- 13 boatable, so there is no commercial rafting. And so the
- 14 guests that come to Summit County now, there is no
- 15 boating on the Blue. They have to leave this county to
- 16 boat now. And I think we'll see that sort of
- 17 ramifications on the Colorado, too, if these projects
- 18 continue and if we're in a situation where people are
- 19 not asked to cut it off at a certain level. We're
- 20 talking about 20 percent today. There's no guarantee
- 21 that this will be cut off and this will be it, and we'll
- 22 be back here again.
- 23 So it's very concerning to the Colorado River
- 24 Rafters Association. We wanted to come and express our
- 25 concern.

```
01-07-2010_Beaver Run Resort_HEARING.txt
1
             Thanks a lot.
2
             MR. FRANKLIN: Thank you, sir.
              I think it's Ted Diedrich.
3
4
             TED DIEDRICH: My name is Ted Diedrich;
5
   Ted, T-e-d, D-i-e-d-r-i-c-h. I
7
              I spoke at the Denver meeting, about the
```

8 potential impacts on recreational boating on the east side of the Moffat Tunnel. I'm access director for the 9 Colorado -- Colorado Whitewater Association. We're an 10 11 advocacy group for whitewater kayakers primarily. So I 12 won't address those -- we've spoken about those impacts, at other meetings. However, because of the folks who 13 14 are up here in Summit County, let me reference this for other boaters. 15 16 This proposal does have potential impacts on 17 recreational boating for Summit County. There are two distinct seasons between what happens above Green 18 Mountain Reservoir, which is now virtually not raftable, 19 20 as mentioned. There is a short kayaking season, but releases from Dillon Reservoir really affect that. And 21

22 if there's less water to release, then there's even 23 less, still, for independent noncommercial boaters in 24 that stretch of the river.

25 A separate season that runs in the fall, below

- Green Mountain, a fabulous stretch of river, it's unique 1
- in the sense that in some -- and depending on who you 2
- 3 talk to, it's the only game in town, in that -- in that

- $$01\text{-}07\text{-}2010_Beaver}$ Run Resort_HEARING.txt it is an intermediate river run that -- for which 4
- there's nothing comparable in October. I've handled 5
- that -- that stretch of the river all the way into 6
- 7 October -- all the way through October, and if stream
- 8 flows are affected there as well because there's not as
- much water to release, then our access there is 9
- 10 furthermore limited.
- 11 Finally, as a civilian, who hasn't read the
- 12 entire EIS and couldn't, I would express some
- frustration that we've been presented with the no 13
- 14 alternative and a stack of alternatives, all of which
- 15 include firming up Gross Reservoir. What's in between
- that? You know, there's -- there's been some talk of 16
- 17 conservation, but what does no alternative really mean?
- I mean, does no alternative mean that nothing would be 18
- 19 done, what else could be done?
- 20 I think the -- you know, as I said, as a
- civilian, I'm -- I'm confused about this and would like 21
- 22 to know what other ideas could be put on the table.
- 23 Because if these firming projects go forward, whether
- 24 it's Windy Gap, Gross Reservoir to the Moffat Project,
- 25 all of the above, it seems to me like part of a

1 never-ending process. It's gone on for years and will

- 2 continue to go on, where less and less water goes into
- 3 the Colorado watershed and all of that water, all of
- those runs, all of that boating downstream, is affected. 4
- And so the commercial impacts are -- I think, could be 5
- substantial, and they're certainly going to be 6

- 01-07-2010_Beaver Run Resort_HEARING.txt
- 7 substantial for those of us who are recreating the
- 8 waters.
- 9 MR. FRANKLIN: Thank you, sir.
- 10 That's all the cards I've got for tonight.
- 11 But I did see a number of individuals come in after we
- 12 started, so I'll give you the opportunity now, if you'd
- 13 like to speak. We would like a card, just so we have a
- 14 record of your name and your affiliation.
- 15 LANE WYATT: I'll bring you a card.
- MR. FRANKLIN: Okay. We'll make sure we get
- 17 your card in a minute.
- 18 LANE WYATT: My name's Lane Wyatt; L-a-n-e,
- 19 W-y-a-t-t. I
- The DEIS says there are no impacts; the
- 21 conclusion, essentially, is that there are no impacts.
- 22 It doesn't fully evaluate the impacts.
- Now, Mr. Franklin, I understand that, you
- 24 know, this is your project. You're the project manager
- 25 for the EIS. It's probably kind of hard not to get
- 1 defensive when so many people are criticizing a big
- 2 project that you're working on. But I think what we're
- 3 asking you here is, is not to really rely solely on the
- 4 EIS. There's a lot of information being submitted here
- 5 by the public, written information by cooperating
- 6 agencies, consulting agencies, other agencies. And they
- 7 bolster up the record quite a bit for you to make a good
- 8 decision.
- 9 Examples of a lot of issues that are missed

```
$01\text{-}07\text{-}2010\_Beaver} Run Resort_HEARING.txt through the screening process and other approaches that
10
11
     are used in the EIS are things like: I didn't even
12
     notice that there's a copper issue in the Fraser River;
13
     recreation in the Blue River is more or less overlooked;
14
     wastewater treatment plant discharges into Dillon, and
     the mixing zone issues associated with that, are not
15
16
     even addressed; metals as opposed to ammonia at the
17
     Joint Sewer Authority; air quality from fugitive dust;
     marina levels; those kinds of things are completely
18
     dismissed. But there's information now in the record
19
20
     for you to be able to use that.
21
                You'll be getting detailed written comments
22
     that help bolster that record.
23
                And that's -- I think there's significant
24
     value in all that, and we hope that you'll rely on that.
```

We hope you'll rely on that to address the real impacts

of the project, and not just what's in the EIS. Don't

25

1

```
don't fall prey to the fact that it says there are no
 2
     impacts, to develop a mitigation package that only
 3
     addresses what's there.
 4
 5
               Please, we're asking you, we're relying on
     you, you're kind of our last hope here, that you don't
 6
 7
     straddle the citizens with all the impacts, the folks
     that live here, while the benefit of the project, which
 8
 9
     is in the tens and tens and tens of millions of dollars
10
     for the Front Range, goes that way, while we have the
     impacts over here.
11
12
               That's the request we have for you, that you
```

```
$01\text{-}07\text{-}2010\_Beaver} Run Resort_HEARING.txt use the information you have, develop mitigation
13
14
     packages that addresses all those impacts.
15
                That's all I have to say. Thank you. I'll
16
     get you a card.
                MR. FRANKLIN: Thank you, Lane. I'll do my
17
18
     best.
                I don't see any other individuals interested
19
20
     in making more comments, so officially, we'll close the
     hearing now.
21
22
                Comments on -- comments on the Section 404
23
     Permit application of the Draft EIS must be received by
24
     my office, for the Corps of Engineers, by March 1, 2010.
25
                And if there are no more comments, this
                                                                   37
     hearing is officially closed. Thank you for coming
 1
 2
     tonight.
                (The hearing adjourned at 6:49 p.m.)
 3
 4
 5
 6
 7
 9
10
11
12
```

Page 34

REPORTER'S CERTIFICATE

I, CARLA D. CAPRITTA, Registered Professional Reporter, certify;

That the foregoing proceedings were taken before me at the time and place therein set forth.

That all foregoing proceedings were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken;

I further certify that I am not a relative or employee of any of the parties, nor financially interested in the action;

I declare, under penalty of perjury under the laws of Colorado, that the foregoing is true and correct.

Dated this 21st day of January, 2010.

Miscellaneous Public Outreach

Moffat Collection System Project Draft Environmental Impact Statement Public Comments

What difference can you make? Your input is an important part of the public involvement process. Your comments or suggestions on the Draft Environmental Impact Statement (EIS) will assist us in adequately identifying the public's concerns and issues. Space is provided below to write down any comments you wish the U.S. Army Corps of Engineers (Corps) to consider. You may hand in your statement at the end of the Public Hearing or, if you prefer, mail, fax or email it to the address printed below. **Please print legibly.**

CONTRACTOR OF THE STATE OF THE
TO BE THE WAY OF SHEET
alles de se la branche de la presentación de la pre
Date
Scott Franklin, Moffat EIS Project Manager

U.S. ARMY CORPS OF ENGINEERS OMAHA DISTRICT Scott Franklin, Moffat EIS Project Manager Corps Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128 moffat.eis@usace.army.mil Fax: 303-979-0602

PLACE POSTAGE HERE

Scott Franklin Moffat EIS Project Manager Corps Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128

FOLD HERE





The U.S. Army Corps of Engineers (Corps) Omaha District will be conducting one additional public open house and hearing for the Moffat Collection System Project (Moffat Project) in Summit County, CO.

The Corps invites you to present comments on the Draft EIS at the additional Public Hearing to be held at:

> Where: Keystone Conference Center 0633 Tennis Club Road Keystone, CO 80435

> > When: Tues., Dec. 8, 2009 Open House 4:00 - 6:00 p.m. Public Hearing 6:00 p.m.

Scheduled Public Hearings:

The Inn at SilverCreek

Where:

Boulder Country Club 7350 Clubhouse Road Boulder, CO 80301 When: Tues., Dec. 1, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where:

Grand Ballroom 62927 US Highway 40 Granby, CO 80446 When: Wed., Dec. 2, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where:

Doubletree Hotel Grand Ballroom II 3203 Quebec Street Denver, CO 80207 When: Thurs., Dec. 3, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where:

Boulder Country Club 7350 Clubhouse Road Boulder, CO 80301 When: Tues., Dec. 1, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Where:

The Inn at SilverCreek Grand Ballroom 62927 US Highway 40 Granby, CO 80446 When: Wed., Dec. 2, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

Moffat Collection System Project

Draft EIS and Public Hearings

The U.S. Army Corps of Engineers (Corps) Omaha District will be conducting

The Corps invites you to present comments on the Draft EIS at the additional

Where: Keystone Conference Center

0633 Tennis Club Road

Keystone, CO 80435

When: Tues., Dec. 8, 2009

Open House 4:00 - 6:00 p.m.

Public Hearing 6:00 p.m.

Scheduled Public Hearings:

one additional public open house and hearing for the Moffat Collection

System Project (Moffat Project) in Summit County, CO.

Public Hearing to be held at:

Where:

Doubletree Hotel Grand Ballroom II 3203 Quebec Street Denver, CO 80207 When: Thurs., Dec. 3, 2009 Open House 4:00-6:00 p.m. Public Hearing 6:00 p.m.

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager 9307 S. Wadsworth Blvd. Corps Denver Regulatory Office moffat.eis@usace.armv.mil

Littleton, CO 80128 Fax: 303-979-0602

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager 9307 S. Wadsworth Blvd. Corps Denver Regulatory Office moffat.eis@usace.army.mil

Littleton, CO 80128 Fax: 303-979-0602



Moffat Collection System Project Extension of the Public Comment Period on the Draft EIS

The U.S. Army Corps of Engineers (Corps) Omaha District is announcing a **16-day extension of the comment period** to the Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project (Moffat Project) proposed by Denver Water. The new expiration date for the comment period on the Draft EIS is **March 17, 2010**.

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager Corps Denver Regulatory Office moffat.eis@usace.army.mil 9307 S. Wadsworth Blvd. Littleton, CO 80128

Fax: 303-979-0602



Moffat Collection System Project Extension of the Public Comment Period on the Draft EIS

The U.S. Army Corps of Engineers (Corps) Omaha District is announcing a **16-day extension of the comment period** to the Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project (Moffat Project) proposed by Denver Water. The new expiration date for the comment period on the Draft EIS is **March 17, 2010**.

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager Corps Denver Regulatory Office moffat.eis@usace.army.mil 9307 S. Wadsworth Blvd. Littleton, CO 80128

Fax: 303-979-0602



Moffat Collection System Project Rescheduled Summit County Public Hearing on the Draft EIS and Extension of the Public Comment Period

The U.S. Army Corps of Engineers (Corps) Omaha District is announcing a **32-day** extension of the comment period to the Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project (Moffat Project) proposed by Denver Water. The new expiration date for the comment period on the Draft EIS is March 1, 2010.

In addition, the Corps has rescheduled the Summit County Public Open House and Hearing for Thursday, January 7, 2010. The Corps invites you to present comments on the Draft EIS at the rescheduled Public Hearing to be held at:

Where:

Beaver Run Conference Center
Peak 17 Conference Room
620 Village Road, Breckenridge, CO 80424
(Located at the base of Peak 9)

When:

Thurs., Jan. 7, 2010 Open House 4:00 - 6:00 p.m. Public Hearing 6:00 p.m.

The Corps would appreciate your comments on the Draft EIS. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager Corps Denver Regulatory Office moffat.eis@usace.army.mil 9307 S. Wadsworth Blvd. Littleton, CO 80128 Fax: 303-979-0602



Moffat Collection System Project

Rescheduled Summit County Public Hearing on the Draft EIS and Extension of the Public Comment Period

The U.S. Army Corps of Engineers (Corps) Omaha District is announcing a **32-day** extension of the comment period to the Draft Environmental Impact Statement (EIS) for the Moffat Collection System Project (Moffat Project) proposed by Denver Water. The new expiration date for the comment period on the Draft EIS is March 1, 2010.

In addition, the Corps has rescheduled the Summit County Public Open House and Hearing for Thursday, January 7, 2010. The Corps invites you to present comments on the Draft EIS at the rescheduled Public Hearing to be held at:

Where:

Beaver Run Conference Center
Peak 17 Conference Room
620 Village Road, Breckenridge, CO 80424
(Located at the base of Peak 9)

When:

Thurs., Jan. 7, 2010 Open House 4:00 - 6:00 p.m. Public Hearing 6:00 p.m.

The Corps would appreciate your comments on the Draft EIS.

Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager Corps Denver Regulatory Office moffat.eis@usace.army.mil

9307 S. Wadsworth Blvd. Littleton, CO 80128 Fax: 303-979-0602

The Moffat Collection System Project Draft Environmental Impact Statement (EIS)

Purpose and Need Statement The purpose of the Moffat Collection System Project (Moffat Project) is to develop 18,000 acre-feet (AF) per year of new firm yield to the Moffat Treatment Plant and raw water customers upstream of the Moffat Treatment Plant pursuant to the Board of Water Commissioner's (Denver Water) commitment to its customers.

Denver Water is proposing the Moffat Collection System Project to address three interrelated supply issues:

 Water Supply Shortfall – Denver Water estimates a water supply shortage of 18,000 AF per year beginning in 2016 and growing to 34,000 AF by 2030. This future need was identified after first reducing demand by successfully implementing a water conservation program, constructing a non-potable recycling program, and achieving water savings by eliminating system inefficiencies through techniques such as lining ditches and capturing bypass flows.

In addition, there is a current need for new water supply to be available to the Moffat Treatment Plant because of a serious imbalance in water supplies in Denver Water's raw water collection system, which in turn creates system-wide reliability and vulnerability challenges.

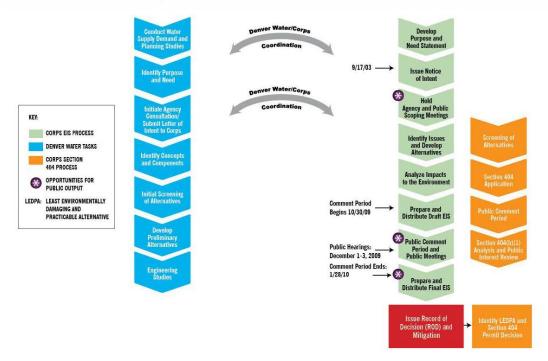
 Reliability – During a drought, existing water demands on the Moffat Collection System exceed available supplies from the Moffat Water Treatment Plant. In a severe drought such as 2002, Denver Water has a significant risk of running out of water for customers who rely on the Moffat Collection System. Vulnerability – Denver Water's overwhelming reliance on the South Platte River Collection System makes the operation of the entire system vulnerable to disasters such as wildfires. Approximately 90% of available reservoir storage and 80% of available water supplies are located in the South Platte end of the system.

The Moffat Collection System Project will help resolve Denver Water's need for new firm yield, increase the reliability of water supply to the Moffat Treatment Plant, and reduce the vulnerability in its system.



Strontia Springs Reservoir: 90% of Denver Water's total water supply is located above this reservoir.

Integration of NEPA and Section 404 Permitting Processes for the s Project



NEPA was established by Congress in 1969 to assure that balanced decision-making regarding the environment occurs in the total public interest. Since the Moffat Project would result in direct impacts to jurisdictional waters of the U.S., including wetlands, authorization from the Corps under Section 404 of the Clean Water Act is required. The Draft EIS serves as the basis for a Corps decision regarding issuance of a Section 404 Permit that will identify the Least Environmentally Damaging and Practicable Alternative (LEDPA).

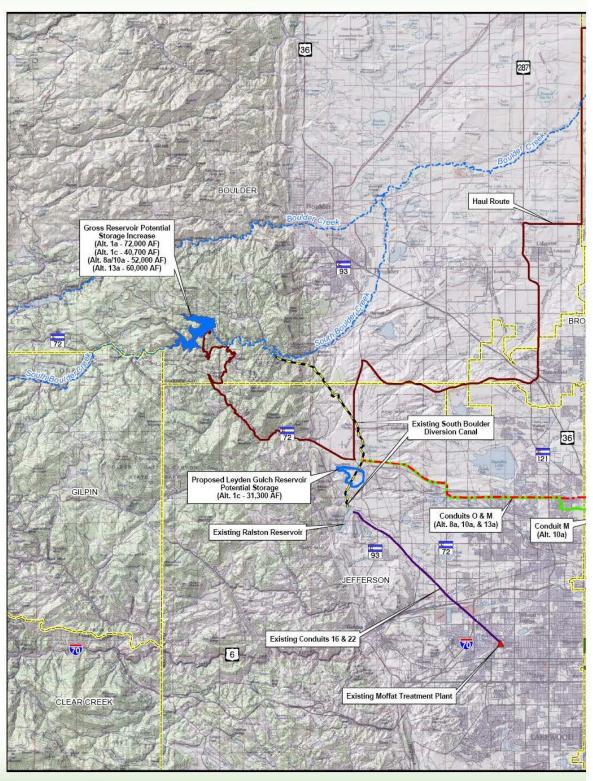
Corps Moffat Project EIS Alternatives Screening Process

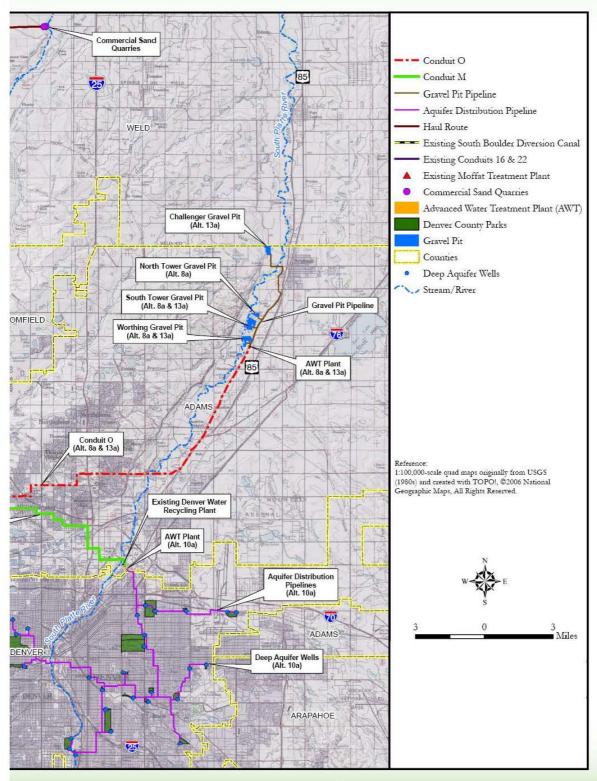


List of EIS Action Alternatives

	Alternative Name	Description			
1	Moffat Collection System Predominantly wet-year Fraser River, Williams Fork River, and South Boulder Creek water would be the water source using the existing Moffat Collection System infrastructure.				
а	Gross Reservoir Expansion (Proposed Action)	전에서 있다면 있다면 하면 다양하다 보다면 하는데 보다 보다 보다 보다 되었다면 하는데 보다면 보다면 하는데 보다면			
С	Gross Reservoir Expansion and New Leyden Gulch Reservoir	Storage is provided in an enlarged Gross Reservoir (40,700 AF additional) and a new Leyden Gulch Reservoir (31,300 AF).			
8	Gravel Pit Storage/Moffat Collection	on System			
а	Gravel Pit Storage and Gross Reservoir Expansion	Unused reusable water in the South Platte River is diverted to a series of new gravel pit storage facilities near Brighton, Colorado. Water is recovered from the gravel pit storage, treated at a new advanced water treatment (AWT) plant, and then conveyed to the Moffat Collection System delivery point via Conduit O. Storage is provided in gravel pits along the South Platte River (approximately 5,000 AF). Using existing collection infrastructure, Moffat Collection System water is delivered via the Moffat Tunnel and stored in an enlarged Gross Reservoir (52,000 AF additional).			
10	Deep Aquifer Storage Project/Moff	at Collection System			
а	Unused reusable water in the South Platte River is diverted to the Denver Water Recycling Plant, treated and transferred to a new AWT plant. AWT water is pumped to injection wells to recharge to Denver Basin aquifer (20,000 AF) located within the City and Co of Denver. Recovered water is collected from the wells, manifold into new conveyance pipes, and pumped to the Moffat Collection System delivery point via Conduit M. Using existing collection infrastructure, Moffat Collection System water is delivered via the Moffat Tunnel and South Boulder Creek stored in an enlarged Gross Reservoir (52,000 AF additional).				
13	Agricultural Water Conversion/Mo	ffat Collection System			
а	Agricultural Water Rights Purchase, Gravel Pit Storage, and Gross Reservoir Expansion	Agricultural water rights, located downstream of the Metro Reclamation Plant are purchased, and converted to municipal/industrial use to generate 3,000 AF/yr of new firm yield. A new diversion on the South Platte River diverts water to a series of gravel pit storage facilities (approximately 3,625 AF of storage) near Brighton, Colorado. Water is recovered from the gravel pit storage, treated at a new AWT plant, and then conveyed via Conduit O to the Moffat Collection System delivery point near SH 72. Using existing collection infrastructure, Moffat Collection System water is delivered via the Moffat Tunnel and South Boulder Creek and stored in an enlarged Gross Reservoir (60,000 AF additional).			

Overview of Alternative Components





Summary of Major Characteristics and Impacts of Alternatives

Characteristic	Proposed Action (Alternative 1a)	Alternative 1c	Alternative 8a	Alternative 10a	Alternative 13a	No Action
Water Source(s)	Moffat Collection System	Moffat Collection System	Moffat Collection System Unused reusable water in the South Platte River	Moffat Collection System Unused reusable return flows from the Deriver Water Recycling Plant	Moffat Collection System New agricultural water rights converted to municipal/ industrial use	Moffat Collection System Strategic Water Reserve Blue River and South Platte River
Gross Reservoir Expansion (Addit onal Storage Capacity)	72,000 AF	40,700 AF	52,000 AF	52,000 AF	60,000 AF	_
Other Storage Component		New Leyden Gulch Reservoir (31,300 AF)	Gravel Pit Storage (5,000 AF)	Denver Basin Aquifer Injection/ Extraction Wells (20,000 AF)	Gravel Pit Storage (3,625 AF)	-
Treatment Facilities	_	_	AWT (13.6 mgd) Dechlorination Facility	AWT (13.6 mgd)	AWT (10.8 mgd) Dechlorination Facility	
Pipelines	_	Minor relocation of South Boulder Diversion Canal	Conduit O Gravel Pit Pipelines	Conduit M Aquifer Distribution Pipelines	Conduit O Gravel Pit Pipelines	
Permanent impacts (acres)	465.6	690.7	370.7	382.4	420.0	
Temporary impacts (acres)	89.3	281.1	117.8	123.2	114.4	<u> 1988</u>
Temporary Conduit impacts (miles)	_	_	27.3	54.5	30.7	
Permanent Impacts to Wetlands and Waters of the U.S. (acres)	5.5	9.3	5.0	4.9	95,3	_
Costs						
Total Construction Cost	\$139.9 million	\$293.7 million	\$362,0 million	\$393.2 million	\$426.7 million	<u> </u>
Annual O&M Costs	\$291,000	\$612,000	\$4.9 million	\$6.0 million	\$3.9 million	_
Present Worth of Annual O&M (80 years)	\$8.8 million	\$18.5 million	\$147.7million	\$181.5 million	\$118.4 million	_
Total Present Worth Cost	\$148.7 million	\$312.2 million	\$509.7 million	\$574.7 million	\$545.1 million	_

Notes:

Permanent disturbance is the total land area that remains after reclamation to be physically altered for the life of the project. Temporary disturbance is the total land area disturbed by construction activities, a portion of which will be reclaimed upon completion of construction activities. Temporary conduit disturbance assumes that the proposed pipelines would be installed within existing roads, curb-to-curb.

Only a temporary linear disturbance was calculated.

Water sources: All action alternatives collect water from the Blue River, South Platte River, and South Boulder Creek.

Mitigation

Impacts resulting from the Proposed Action:

Riparian, Wetland and Stream Resources

- Inundation of riparian areas by an expanded Gross Reservoir
- Inundation of wetlands and waters of the U.S. by an expanded Gross Reservoir

Threatened and Endangered Species

· Depletions to the Colorado River and Platte River

Recreation

 Inundation of recreation facilities by an expanded Gross Reservoir

Aquatic Habitat

- Effects to aquatic habitat in the North Fork South Platte River downstream of the Roberts Tunnel outlet
- Effects to aquatic habitat in South Boulder Creek upstream of Gross Reservoir and downstream of the East Portal of the Moffat Tunnel
- Effects to flow and aquatic habitat in tributaries to the Fraser River

Examples of Preliminary Mitigation Measures:

West Slope

- Participate in the Upper Colorado River Endangered Fish Recovery Program
- Monitor Temperature in the Fraser River and Colorado River
- Establish a Colorado River Cutthroat Trout Fishery in Grand County



East Slope

- Restore Riparian Areas at Gross Reservoir
- Purchase Compensatory Wetland Credits in a Wetland Mitigation Bank
- Create Additional Environmental Storage in Gross Reservoir to Store Water for Enhanced Flows in South Boulder Creek
- Improve Aquatic Habitat in the North Fork South Platte River
- Participate in the Platte River Recovery Implementation Program
- Replace Inundated Recreation Facilities at Gross Reservoir

Mitigation Coordination

Potential mitigation options were developed based in part on discussions with:

- Colorado Division of Wildlife
- Trout Unlimited
- Western Resource Advocates

- Colorado Environmental Coalition
- The Nature Conservancy
- Boulder County
- · City of Boulder
- Grand County
- Northwest Council of Governments

Request for Comments

The Draft EIS is available for public review at:

- · Electronically at https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm
- Arvada Library
- Boulder County Main Library
- Denver Central Library
- Fraser Valley Library
- Golden Library
- Denver Water 1600 W. 12th Ave. Denver, CO 80204

- Granby Library
- Kremmling Library
- Summit County Library North Branch
- Summit County Library South Branch
- Thornton Branch Library
- Corps Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128

The Corps would appreciate your comments on the Draft EIS and Section 404 Public Notice. Please submit all comments on the Draft EIS in writing to:

Scott Franklin, Moffat EIS Project Manager Fax: 303-979-0602 moffat.eis@usace.army.mil

Corps Denver Regulatory Office 9307 S. Wadsworth Blvd. Littleton, CO 80128

The Corps invites you to present comments on the Draft EIS and Section 404 Public Notice at any of the following Public Hearings:

Boulder Country Club

7350 Clubhouse Road Boulder, CO 80301

Tues., Dec. 1, 2009

Open House 4:00 - 6:00 p.m. Public Hearing 6:00 p.m.

The Inn at SilverCreek

Grand Ballroom 62927 US Highway 40 Granby, CO 80446 Wed., Dec. 2, 2009

Open House 4:00 - 6:00 p.m. Public Hearing 6:00 p.m.

Doubletree Hotel

Grand Ballroom II 3203 Quebec Street Denver, CO 80207

Thurs., Dec. 3, 2009

Open House 4:00 - 6:00 p.m. Public Hearing 6:00 p.m.

The Corps will be hosting an additional Public Hearing in **Summit County**. Date and location information will be posted on the Corps website.

Please visit: https://www.nwo.usace.army.mil/html/od-tl/eis-info.htm